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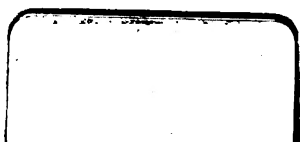
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THE

Statutes at Large,

From the First Year of K. RICHARD III.

TO

The 31st Year of K. HENRY VIII. inclusive.

BY

DANBY PICKERING, of GRAY's INN, Esq;

1871

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Statutes at Large.

FROM THE

First Year of King RICHARD III.

TO THE

Thirty-first Year of King HENRY VIII. inclusive.

To which is prefixed,

A TABLE containing the TITLES of all the STATUTES
during that Period.

V O L. IV.

By DANBY PICKERING, of Gray's-Inn, Esq;
Reader of the Law Lecture to that Honourable Society.

CAMBRIDGE,

Printed by JOSEPH BENTHAM, Printer to the UNIVERSITY;
for CHARLES BATHURST, at the Cross-Keys, opposite St. Dunstan's
Church in Fleet-Street, London. 1763.

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TABLE of the STATUTES,

Containing the Titles of all such Acts as are extant in print, from the 1st year of K. RICHARD III. to the 31st of K. HENRY VIII. both inclusive.

Anno 1 Richardi 3.

Cap. 1. An act for the better assurance of estates to be made by feoffors to uses.

Cap. 2. The subjects shall not be charged by any benevolence, &c.

Cap. 3. For admitting persons suspected of felony to bail; for inquiry of escapes of felons; and that no officer shall seize the goods of a prisoner before he is convicted or attainted.

Cap. 4. Of the sufficiency of jurors in the sheriff's turn.

Cap. 5. Those lands whereof the King was enfeoffed to the use of others, shall vest in such persons.

Cap. 6. An act to make perpetual the statute of 17 Ed. 4. c. 2. concerning proceedings in courts of pipowders.

Cap. 7. Who shall be bound by a fine levied before the justices of the common pleas: and proclamations made thereof.

Cap. 8. Concerning the making of cloth; and the aulneger.

Cap. 9. Against *Italians* selling their merchandises by retail, and other restraints of aliens.

Cap. 10. The statute of 22 Ed. 4. c. 3. prohibiting the importation of wrought laces of silk continued for ten years.

Cap. 11. Ten bow-staves shall be brought into this realm for every butt of malmsey, or tyre.

Cap. 12. Against the importation of certain merchandises ready wrought.

Cap. 13. The contents of vessels of wine and oil.

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Cap. 14. For relief of the collectors of dimes of the clergy.

Cap. 15. A resumption of all grants, estates, &c. made to *Elizabeth* late Queen of England:

Private Acts.

Anno 1 Richardi 3.

1. *Titulus Regius*; under which title all the reasons and allegations devised to prove the King to be true and undoubted heir to the crown, are set forth at large, and the same allowed, ratified, and enacted by the lords and commons; and his brothers children made bastards.

2. An act for the King to have the lands and possessions of *Henry* duke of *Exeter*, and of the dutches his wife.

3. An act for the attainder and conviction of *Henry* duke of *Buckingham*, *John* bishop of *Ely*, *William Knevit*, *John Rusbe*, *Thomas Nandike*, *Henry* earl of *Richmond*, *Jasper* earl of *Pembroke*, *George Browne*, *Thomas Lewkenor* knight, *John Gulsford*, and many more.

4. An act to enable the King to make grants of the possessions of the persons attainted.

5. An act for the attainder of the bishops of *Ely*, *Salum*, and *Exeter*.

6. An act against *Margaret* countess of *Richmond*.

7. An act for the attainder of *Walter Rober*.

8. An act for the archbishop of *Canterbury* to enjoy the rent of 11*l*.

A TABLE of the STATUTES.

128. *per annum* out of the manors of *Ifeilde*.

9. An act to reverse the attainders made by King *Henry* the Fourth, against *Thomas Percy* earl of *Worcester*, and *Henry Percy* earl of *Northumberland*.

10. An act for viscount *Lovel* to have and enjoy the manors of *Thorpe*, *Waterville*, *Alwinkle*, *Achirch*, and *Cobthorpe*, in the county of *Northampton*, &c.

11. An act for *James Tirrel*, and *Anne* his wife, daughter and heir of *John Arundell*, touching the lands of *Arundell*, being now attainted.

12. An act for the provost and fellows of the college of *Saint Andrew* of *Neathercaster* in *York*, for the enjoying of forty acres of land, upon part whereof the college is builded.

13. An act for confirmation of letters patents made by King *Edward* the Fourth to the college of *Fedringhey*.

14. An act for the city of *Canterbury*, touching the aldermanry lands, and alderman of *Westgate*, and other things in the city of *Canterbury*.

15. An act of restitution of *John Durrant* of *Collewston* to all his lands and tenements.

16. An act for the inhabitants of the town of *Crowland* to have the games and marks of swans.

17. An act touching the executors of *John Don* mercer of *London*.

18. An act that the King shall have wardship of lands holden of the duchy of *Lancaster* by knights service, notwithstanding the trust put in other persons.

Anno 1 Hen. 7.

Cap. 1. An act for maintaining a formdon against the perners of the profits of land conveyed to uses.

Cap. 2. Aliens made denizens shall pay such customs as they did before.

Cap. 3. No protections shall be allowed by any court at *Calais*.

Cap. 4. An act to punish priests for incontinency by their ordinaries.

Cap. 5. An act for regulation of tanners, cordwainers, and curriers.

Cap. 6. A pardon for all who assisted the King against *Richard* late duke of *Gloucester*.

Cap. 7. An act for punishment of offenders in hunting by night or disguised.

Cap. 8. No *Gascoigne* or *Guien* wines shall be imported but by *English*, *Welsh*, or *Irish* mariners and ships.

Cap. 9. For reviving the statute of 22 Ed. 4. c. 3. for twenty years, restraining the importation of wrought laces, &c.

Cap. 10. For revocation of the penalties in the stat. R. 3. touching *Italians*.

Private Acts.

Anno 1 Hen. 7.

1. An act concerning the annexing the duchy of *Lancaster*, and *Cornwall*, &c. *al*.

2. An act for the restitution of divers persons in the time of *Richard* the Third attainted.

3. An act of conviction and attainder of *John* late duke of *Norfolk*, *Thomas* earl of *Surrey*, *Francis* viscount *Lovell*, *Walter Devereux* knight late lord *Ferrers*, *John* lord *Zouche*, and divers others.

4. An act for the duke of *Bedford*, and others.

5. An act for *Henry* lord *Clifford*.

6. An act for *William* viscount *Beaumont*.

7. An act for *John* earl of *Oxford*, and others.

8. An act for *Jane May*, and others.

9. An act for the duke of *Bedford*.

10. An act for the duchess of *Bedford*.

11. An act for the countess of *Richmond*.

12. An act for *Edward*, son and heir of *Henry* duke of *Buckingham*.

13. An act for *John* lord *Wells*.

14. *Ar-*

A TABLE of the STATUTES.

14. *Articulus Juratus in parlamento.*
15. The restitution of *Henry the Sixth*, the duke of *Bedford*, the duke of *Somerset*, and others.
16. The restitution of *Queen Elizabeth*, late wife of *Edward the Fourth*.
17. *Adnullatio actus, &c.*
18. An act for confirming all letters patents made by the King, of the lands of persons attainted.
19. An act for *Allen Catterall*.
20. An act for *Henry Kirkby* son of *Richard Kirkby*.
21. An act for *William Brandon* knight.
22. An act for *James Stanley* clerk.
23. An act for *Edmond Clerc*, and *Elizabeth* his wife.
24. An act for *Roger Thorpe*.
25. An act for the restitution of *Thomas Ormonde* knight.
26. An act for *Hugh Letterell*.
27. An act for *William Knevet*.
28. An act for the earl of *Devon*.
29. An act for the King's household.
30. An act for the King's great wardrobe.
31. An act for *Nicholas Vaux* son and heir of *Sir William Vaux*.
32. An act for the lord *Hungerford*.
33. An act for *Johanne Fowler*; widow.
34. An act for *Thomas Delalaund*.
35. An act for *Anne Pympe*.
36. An act for *Thomas Myll*.
37. An act for *Edmund Roos*; son of *Thomas lord Roos*.
38. An act for *Margaret* countess of *Richmond*, the King's mother, and for *Thomas* earl of *Derby* her husband.
39. An act for *Lawrence Hill*.
40. An act for *John Weston*, prior of the hospital of *Saint John of Jerusalem* in *England*.
41. An act for *Robert Carry*.
42. An act for restitution of *Thomas Gray* knight, late marquis *Dorset*.
43. An act for *Sir William Stanley* knight.
44. An act for *Sir John Verney* knight, and *Margaret* his wife.
45. An act of restitution for *John Tresbam*.
46. An act for the heirs of *Sir George Browne* knight.
47. An act for *Sir John Seyntloo* knight.
48. An act for *William Troutebeck*.
49. An act of restitution for *Roger Bellingham*.
50. An act for *Blanche Nevill* to enjoy certain lands, notwithstanding a recovery.
51. Another the like act for *Margery Beckett*, *John Blackburns*, and his wife.
52. An act for *Robert Willoughby* knight, and *Elizabeth* his wife, and others.
53. An act of restitution for *William Danyell*.
54. An act of restitution for *John Calcott*.
55. An act that *Edward Ellesmere* may enjoy certain lands, notwithstanding his lease.
56. An act of restitution for *John Beaumont*.
57. An act of restitution for *Thomas Agard* and his wife.
58. Another act for *John Beaumont*.
59. An act for *Richard Passlegh*, and *Johane* his wife.
60. An act for the inhabitants of the Isle of *Tenit*, to build a bridge at a place called the *Starre Ferry*.
61. An act for *John Foster* esquire.
62. An act for the mayor, bailiffs, and citizens of the city of *Winchester*.
63. An act for *John Lenche*.
64. An act of resumption of lands, tenements, and other things.

Anno 3 Hen. 7.

Cap. i. Concerning the authority of the court of star-chamber.

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- Cap. 2. The carrying away a woman against her will made felony.
- Cap. 3. For letting prisoners to bail in certain cases.
- Cap. 4. All deeds of gift made to defraud creditors shall be void.
- Cap. 5. All bargains named dry exchange, whereby any certain sum may be lost, shall be void.
- Cap. 6. Against unlawful chevisance, usury, and brokage.
- Cap. 7. Concerning the ordering and recovering of customs.
- Cap. 8. That merchants aliens, &c. shall employ their money on merchandises of this realm.
- Cap. 9. Freemen of *London* may carry their wares to any fairs or markets.
- Cap. 10. Cofts, &c. shall be given to the plaintiff where the defendant sues a writ of error before execution.
- Cap. 11. No woollen cloth shall be exported before it is duly manufactured.
- Cap. 12. The King's officers shall not be retained by liveries, &c. with others.
- Cap. 13. Concerning the price of long bows.
- Cap. 14. Conspiring to destroy the King, or certain officers of his house or council, made felony.
- 6. An act for the custody of the lands and tenements of viscount *Beaumont*.
- 7. An act for the prior of the monastery of *St. Mary Magdalene in Monckbretton*.
- 8. An act for the mayor and citizens of the city of *York*.
- 9. An act for the mayor, sheriffs, bailiffs, and commonalty of the town of *Bristol*, for paving of the streets there.
- 10. An act for *Anne* countess of *Warr*.
- 11. An act for *Thomas Pulker*.
- 12. An act for *Roger Wake*.
- 13. An act for the town and castle of *Berwick*.
- 14. An act for the town and castle of *Calais*, and for continuance of the staple there.
- 15. An act for the attainder of *John* earl of *Lincoln*, *Sir Thomas Broughton*, and divers others.
- 16. An act for two fifteenths and tenths to be granted to the King.
- 17. An act to enable feoffees in trust to sue for the benefit of the feoffors, although they be outlawed.
- 18. An act for the attainder of *John Spynell* and others.
- 19. An act against *Thomas Peneston* and others.
- 20. An act of resumption of the offices or places of receivers, auditors, customers, collectors of customs, subsidies, comptrollers, searchers, surveyors, and places of other officers, accomptants to the King.

Private Acts.

Anno 3 Hen. 7.

- 1. An act for the confirmation of letters patents made to the Queen.
- 2. An act that the Queen may sue in her own name, and for confirmation of letters patents made to *Margaret* countess of *Richmond*.
- 3. An act for *George Vere* knight, and *Margaret* his wife.
- 4. An act for a gaol to be kept at *Lewes* for the shire of *Suffex*.
- 5. An act for the abbot and convent of *Malmesbury*.

Anno 4 Hen. 7.

- Cap. 1. An act for commissions of sewers
- Cap. 2. For ordering the refiners of gold and silver.
- Cap. 3. Against butchers killing beasts in walled towns, &c.
- Cap. 4. Concerning protections and immunities for those who should be in the King's service in *Britain*.
- Cap. 5.

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Cap. 5. For repeal of letters patents to discharge spiritual persons from the payment or collection of *dimmes*.

Cap. 6. For repeal of all grants of offices in the forest of *Inglewood*, saving to the lord *Dacre* and the earl of *Northumberland*.

Cap. 7. That grants of fees to certain officers about the King shall be no longer in force than they give their attendance.

Cap. 8. For limiting the prices of cloths sold by retail.

Cap. 9. For the prices of hats and caps.

Cap. 10. That wine and *Tboloufe* wood shall be imported only in *English* ships, &c.

Cap. 11. Concerning the buying of wools.

Cap. 12. That all justices of peace shall execute their commission, redress injuries, and maintain the laws.

Cap. 13. Concerning the allowance of benefit of clergy.

Cap. 14. All grants, &c. of any parcel of the earldom of *March* shall be sealed with the great seal.

Cap. 15. That the lord mayor of *London* shall have like conservation in all breach and overflowings of the *Thames*, as he has within the same river.

Cap. 16. Against taking more farms than one in the *Isle of Wight*.

Cap. 17. That the heir of *Cestuy que use*, holding lands by knight-service, shall be in ward.

Cap. 18. That counterfeiting foreign coin allowed to be current in this realm shall be treason.

Cap. 19. For maintenance of husbandry.

Cap. 20. That a prosecution of action popular by collusion, shall be no bar to others sued *bona fide*.

Cap. 21. For preservation of the breed and fry of fish in *Oxford Haven* in *Suffolk*.

Cap. 22. Concerning broiderers and Venice gold, &c.

Cap. 23. Against the exporting any gold or silver.

Cap. 24. How often a fine levied in the common pleas shall be proclaimed, and then, who shall be bound thereby.

Private Acts.

Anno 4 Hen. 7.

1. An act of restitution for *Thomas* earl of *Surrey*.
2. An act for the earl of *Nottingham*.
3. An act for the restitution for *Henry* *Beamonds*.
4. An act for *Richard* *Nansan*.
5. An act of restitution for *Richard* *Reuell*.
6. An act for *William* *Parsons*, *James* *Leigh*, and others.
7. An act of restitution for the lord *Ferrers*.
8. An act of restitution for *Thomas* *Lacy* and his wife.
9. An act for *Oliver* *Saint John* esq;
10. An act for *Ellen* *Holt*, and *Allen* *Holt*.
11. An act for *William* *Stanley* knight.
12. An act for the transmutation and passing of lands without fine, by such persons as pass over the seas in the King's voyage.
13. An act for a subsidy to be granted to the King.
14. An act of restitution of *John* lord *Zouche*.
15. An act of restitution of *Robert* *Percy*.
16. An act of restitution of *Henry* *Spencer*.
17. An act for the earl of *Surrey*.
18. An act for *George* earl of *Shrewsbury*.
19. An act for *Thomas* *Ferrys*, esq; and *Anne* his wife.
20. An act for the college of *All Souls* in *Oxford*.
21. An act for the inhabitants of the town of *Southweld*.

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22. An act for the inhabitants of the town of *Northampton*.
 23. An act for the inhabitants of the town of *Leicester*.
 24. An act for the expences of the King's household.
 25. An act for the restitution of *Anne* and *Elizabeth Brakenbury*.
 26. An act for the covent of the monastery of *St. Andrew* in *Northampton*.
 27. An act for *Sir Edmond Gorges*, knight.
 28. An act for the provost and scholars of the King's college in *Cambridge* and *Eaton*.
 29. An act of attainder of the abbot of *Abbingdon*, *John Mayne*, and others.
 30. An act for a tenth and fifteenth to be granted to the King.
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Anno 7 Hen. 7.

Cap. 1. Against abuses of captains and soldiers retained in the King's wars.

Cap. 2. For protection, &c. of all persons serving in the King's wars.

Cap. 3. Further privileges for such as shall go in the King's wars.

Cap. 4. Concerning weights and measures.

Cap. 5. Concerning trials in *London*.

Cap. 6. That patents of discharge from *dismes* and *quinzisimes* shall extend no further than they did in the time of King *Edw. IV.*

Cap. 7. That all *Scots* depart the realm within forty days after proclamation.

Cap. 8. Concerning the contents of a butt of malmesey and the price and customs thereof.

Private Acts.

Anno 7 Hen. 7.

1. An act against *Thomas Croft*.
2. An act for the preservation of the spawn of fish within the nasse and haven of *Orford*.

3. An act that no persons outlawed within the county of *Lancaster* should forfeit any of his lands or goods in any other shire but the same shire.

4. An act for two fifteenths and tenths granted to the King.

5. An act for the confirmation of a feoffment made by the King.

6. An act for confirmation of letters patents made to the Queen.

7. An act to make the sum of five marks, payable by the abbey and covent of *Barking*, to be parcel of the manor of *Havering*.

8. An act for the countess of *Richmond* and *Derby*.

9. An act for the earl of *Surrey*.

10. An act for viscount *Wells* and his wife.

11. An act for *Thomas* lord *De la Warre*.

12. An act for the prior of *Canterbury*.

13. An act for *Sir Thomas Lovell*, knight.

14. An act for *Hugh Johnson* and *Jehane* his wife.

15. An act of attainder of *John Hayes*.

16. An act of attainder of *Robert Chamberlaine* knight, and *Richard White*.

Anno 11 Hen. 7.

Cap. 1. None shall be attainted or incur any forfeiture for serving the King.

Cap. 2. For correction of vagabonds and beggars, and concerning ale-houses.

Cap. 3. For the authority of justices of assize and of the peace.

Cap. 4. The names of the cities and towns limited for keeping of weights and measures.

Cap. 5. For pulling down wears, &c. in the haven of *Southampton*, between *Calbord* and *Redbridge*.

Cap. 6. Where customs shall be paid when cloths are packed in one port and shipped in another.

Cap. 7.

A TABLE of the STATUTES.

Cap. 7. For punishing riots and unlawful assemblies.

Cap. 8. For punishing usurers.

Cap. 9. All lands within *North* and *South Tindals*, shall be parcel of the county of *Northumberland*.

Cap. 10. For levying the arrears of the benevolence granted to the King.

Cap. 11. Concerning the taking apprentices in the city of *Norwich*, and of ordinances to be made by the company of worsted shearers.

Cap. 12. That writs shall be given and counsel assigned to speed poor persons in their suits.

Cap. 13. Against the exportation of horses or mares, above the price of 6s. 8d. without licence.

Cap. 14. Aliens made denizens shall pay customs as aliens.

Cap. 15. Against misdemeanors by sheriffs and their officers in county courts.

Cap. 16. For watch-keeping in *Calais*.

Cap. 17. Against taking pheasants, or partridges, or the eggs of hawks or swans.

Cap. 18. They who refuse to attend the King when he goes to his wars shall forfeit their grants of fees, &c.

Cap. 19. Against deceitful stuffing and making of feather-beds, &c.

Cap. 20. Against alienations made by the wife of the lands of her deceased husband.

Cap. 21. The qualification of jurors in attaints in *London*.

Cap. 22. Concerning the wages of servants in husbandry, labourers and artificers.

Cap. 23. For the true gauging and packing of salmon, eels, and herrings.

Cap. 24. For punishment of perjury, and the manner of proceeding in attaints.

Cap. 25. For punishment of perjury, champerty, maintenance, and embracery, by the discretion of the chancellor, treasurer, chief justices, and clerk of the rolls.

Cap. 26. Concerning the sheriffs turns in the counties of *Southampton*, *Surrey* and *Suffex*.

Cap. 27. For avoiding deceitful sleights upon fustians.

Private Acts.

Anno 11 Hen. 7.

1. An act for the confirmation of certain lands to the King, that were the lands of *Richard* duke of *Gloucester*.
2. An act of resumption of divers castles, manors, lands, and tenements, which were formerly given by King *Edward* the Third, and King *Richard* the Second, to *Edmond de Langley* duke of *York*.
3. An act of restitution for *Gervase Horne*.
4. An act that all grants made of the manor of *Woodstock* be void.
5. An act for the Queen's jointure.
6. An act for the making void of divers leases and offices within the principality of *Wales*, duchy of *Cornwall*, and the earldom of *Cheshire*.
7. An act for the assuring certain lands to the prince of *Wales*, &c.
8. An act for the assuring certain lands to the duke of *York*.
9. An act for the prince of *Wales*.
10. An act for the duchess of *Bedford*.
11. An act of confirmation of a feoffment made by *Thomas* marquis *Dorset* and his wife to divers feoffees to several uses,
12. An act for the earl of *Oxford*.
13. An act for the earl of *Suffolk*.
14. An act for the earl of *Surrey*.
15. Another act made for confirmation of a feoffment made by the said earl of *Surrey*.
16. An act for the earl of *Devon*.
17. An act for the earl of *Kildare*.
18. An act for the prior of *Kilmaynan* in *Ireland*.
19. An act for the custody and government of viscount *Beaumont* and his estate.
20. An

20. An act for *Edward* lord *Dudley*.
21. An act for *John* lord *Zouche* and *Seymour*.
22. Several provisos for the indemnity of the lord *Daubney*, and others.
23. An act for *Sir Richard Guldeford*, that all his lands in the county of *Kent* shall not be of the nature of gavelkind, but descendable to the heir at the common law, as in other countries.
24. An act for *Sir William Berkley* knight.
25. An act for *John Shaa*.
26. An act for the dean of *St. Paul's*.
27. An act for *Thomas Middleton*.
28. An act for *George Catesby*.
29. An act for *Simon Digby*.
30. An act for *Sir Richard Ratcliffe*.
31. An act for *Clement Skelton*.
32. An act for the heirs of *William Waynsford*.
33. An act for *John Slingsby* the elder.
34. An act for *Hugh Mayne*.
35. An act for the safe keeping of the towns and castles of *Berwick* and *Carlisle*.
36. An act for the expences of the King's house.
37. An act for the attainder of *Francis* viscount *Lovel*.
38. An act for the attainder of *Sir William Stanley*, *Sir Simon Mountfort*, and others.
39. An act concerning the peace between the King of *England* and the King of *France*.

Anno 12 Hen. 7.

- Cap. 1. Concerning the taking apprentices, and manufacture of worsted, fays and flamins in the county of *Norfolk*.
- Cap. 2. For the continuance of certain acts made in the last parliament, unto the next parliament.
- Cap. 3. Repeal of the statute made the last parliament for labourers wages.
- Cap. 4. That no forfeiture given by

the statute 1 R. 3. c. 8. shall be taken before the next parliament.

- Cap. 5. Concerning weights and measures.
- Cap. 6. Merchants of *England* may carry their merchandises to the marts, without payment of any fine to the merchants adventurers of *London*, but only ten marks.
- Cap. 7. No lay person that doth murder his lord or master shall have the benefit of clergy.

Private Acts,

Anno 12 Hen. 7.

1. An act for confirmation of a feoffment made by the King, and to give him power to dispose of certain lands by will.
2. An act for the assurance of the Queen's jointure.
3. An act for the earl of *Surrey*.
4. An act for *Guy Sapcott*.
5. A proviso for *William Stafford*.
6. Certain articles against *Thomas Totton*.
7. An act for fifteenths and tenths.
8. An act for a subsidy to be granted to the King, and for discharge of some persons from payment thereof.

Anno 19 Hen. 7.

- Cap. 1. For attendance upon the King in his wars.
- Cap. 2. An act to defer the payment of custom for bow-staves until the next parliament.
- Cap. 3. An act for the continuance of the statute 11 H. 7. c. 24. until the next parliament.
- Cap. 4. For using long bows, and against shooting in cross-bows.
- Cap. 5. What coin shall be current, and against the exportation of money or bullion to *Ireland*.
- Cap. 6. Concerning pewterers and braziers.
- Cap. 7. Concerning ordinances made by bodies incorporate.

Cap. 8.

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Cap. 8. Against the taking of scavage or shewage, except in the city of *London*.

Cap. 9. Of process in actions upon the case.

Cap. 10. For the keeping of gaols by the sheriffs, and prevention of escapes of prisoners.

Cap. 11. The penalties for keeping deer-hays, and buck-stalls.

Cap. 12. For punishment of vagabonds, and for ordering of ale-houses.

Cap. 13. Against riots and unlawful assemblies.

Cap. 14. Penalties for unlawful retainers and giving of liveries.

Cap. 15. The lands of *Cestuy que use* shall be liable to execution for his debt, and to the chief lord for his relief and heriot, and if he is a bondman they may be seized by the lord.

Cap. 16. For continuing the statute of 11 *H. 7. c. 26.* for holding of sheriffs tourns in the counties of *Southampton, Surrey* and *Sussex*, until the next parliament.

Cap. 17. A confirmation of so much of the statute 11 *H. 7. c. 11.* as concerns the taking of apprentices in *Norwich*, and a repeal of so much of the same act as concerns worsted-shearers.

Cap. 18. For free passage upon the river *Severn*.

Cap. 19. Concerning cordwainers, curriers and tanners.

Cap. 20. A confirmation of the statute of 3 *H. 7. c. 10.* touching damages to be given to the plaintiff where the defendant sues a writ of error before execution.

Cap. 21. Concerning silk-women, and prohibiting the importation of silk wares ready wrought.

Cap. 22. A repeal of the statute 4 *H. 7.* concerning factors and attornies in *Calais*.

Cap. 23. A confirmation of the privileges of the merchants in the still-yard.

Cap. 24. For holding the shire-court of the county of *Sussex* at *Chichester* and *Lewes*.

Private Acts.

Anno 19 Hen. 7.

1. An act concerning a feoffment made by the King, of many lordships, lands, and tenements, &c, belonging to the duchy of *Lancaster*.
2. An act to make void divers letters patents formerly granted to the duke of *York*, after he came to be heir apparent to the King.
3. An act for the continuance of the staple at *Calais*.
4. An act to give the King power to restore *Humphrey Stafford*, *John Baynton*, and divers others, being formerly attaint of treason.
5. An act for the abbess and convent of the monastery of *St. Saviour of Sion*.
6. An indenture between the King and the abbess and convent of the monastery of our Saviour and *St. Bridget of Sion*.
7. An act for confirmation of a partition of lands made between *William* marquis *Barkley*, and *Thomas* earl of *Surrey*.
8. An act that no actions, plaints, bills, or writs, being commenced and depending in the King's courts by persons not knighted, shall abate, if they be afterwards knighted.
9. An act for two aids granted to the King.
10. An act of restitution for the lady *Cecil*, wife of the late viscount *Wells*, *William* lord *Willoughby*, and others.
11. An act for the attainder of *James Touchett* knight lord *Audley*, *Edmond* earl of *Suffolk*, and divers others, confederate with *Piers Warbeck*.
12. An act for the restitution of *Robert Brewce*.

13. An

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- 13. An act for Sir *William Mearing*.
- 14. An act for the restitution of *John Heron*.
- 15. An act for the restitution of *Richard Barkley*.
- 16. An act of restitution for *William Barley*.
- 17. An act of restitution for *James Harrington*.

Anno 1 Hen. 8.

- Cap. 1. A repeal of the statute 8 H. 6. c. 2. prohibiting the King's subjects to repair into *Denmark* and *Island*.
- Cap. 2. A repeal of the statute 1 R. 3. c. 8. concerning cloth-making.
- Cap. 3. Concerning payments made to *John Heron*, general receiver to the King.
- Cap. 4. For limitation of actions popular.
- Cap. 5. A repeal of an act made 3 H. 7. c. 7. concerning the entering of merchandizes in the customers books.
- Cap. 6. A repeal of the statute 11 H. 7. c. 3. concerning informations before justices of assize and justices of peace.
- Cap. 7. Concerning the office of coroners.
- Cap. 8. Concerning escheators and commissioners.
- Cap. 9. Concerning the bridge at *Staines*.
- Cap. 10. For enlarging the statute 8 H. 6. c. 16. concerning the traverse of lands seized into the King's hands by inquests before escheators and commissioners.
- Cap. 11. For continuation of the statute 11 H. 7. c. 24. of attaints, until the next parliament.
- Cap. 12. Concerning untrue inquisitions procured by *Empson* and *Dudley*.
- Cap. 13. Against the exportation of money, plate, or jewels.
- Cap. 14. Concerning apparel.

- Cap. 15. For annulling feoffments made to *Empson* and *Dudley*.

Private Acts.

Anno 1 Hen. 8.

- 1. An act for the expence of the King's household.
- 2. An act for the assignment of money for the King's great wardrobe.
- 3. An act for confirmation of letters patents made to *Queen Katbarine*, for her dower.
- 4. An act for the restitution of *Robert Ratcliff* knight, lord *Fitzwater*.
- 5. An act for a subsidy to be granted to the King of tonnage and poundage.
- 6. An act for repealing of a statute for fishing in *Island*.

Anno 3 Hen. 8.

- Cap. 1. Against the exportation of money, plate, jewels, &c.
- Cap. 2. Concerning escheators and commissions for finding of offices.
- Cap. 3. For the maintenance of archery and against unlawful games.
- Cap. 4. For protections and liberty of alienation for such persons as shall be in the King's wars.
- Cap. 5. For payment of wages to soldiers in the King's wars.
- Cap. 6. Concerning the true making, &c. of woollen cloths.
- Cap. 7. An act for perfect working of woollen cloths before they shall be exported.
- Cap. 8. Repeal of the act made at *York* for selling of victual by head officers.
- Cap. 9. Against mummers and selling, of visors.
- Cap. 10. Against aliens buying leather, and that curriers may search for leather insufficiently tanned.
- Cap. 11. An act for the appointing of physicians and surgeons.
- Cap. 12. Concerning reformation of impanels for the King.

Cap. 13.

A TABLE of the STATUTES.

Cap. 13. Licences for shooting in cross-bows shall be void.

Cap. 14. For searching of unlawful oils.

Cap. 15. Concerning the making and prices of hats and caps.

Private Acts.

Anno 3 Hen. 8.

1. An act for confirmation of a feoffment made by *Thomas* earl of *Surrey* to *Henry* duke of *York* and others.
2. An act of restitution for *James Touchett* lord *Audeley*, and *John Touchett*, eldest son of the said *James* lord *Audeley*.
3. An act for confirmation of a grant made by the King of certain lands to *William Compton*.
4. An act of restitution for *John Dudley* son of *Edmond Dudley*.
5. An act of restitution for *Thomas Herte*.
6. An act of restitution for *Elizabeth Martyn*.
7. An act for two fifteenths and tenths to be granted to the King.
8. An act that *Sir Robert Southwell* and *Bartholomew Westby* shall be the King's general receivers of all his honours, castles, &c.

Anno 4 Hen. 8.

Cap. 1. Concerning bulwarks to be made in *Cornwall* by the sea-side.

Cap. 2. For punishment of murder.

Cap. 3. An act concerning juries in *London*.

Cap. 4. For proclamations to be made before *Exigents* be awarded in foreign counties.

Cap. 5. Repeal of penalties for giving wages to labourers and artificers.

Cap. 6. For sealing of cloths of gold and silver.

Cap. 7. Concerning pewterers and true weights and beams.

Cap. 8. An act concerning *Richard Strode*, and the privilege of parliament.

Private Acts.

Anno 4 Hen. 8.

1. An act of restitution for *Henry Courtney* earl of *Devon*.
2. An act for confirmation of an indenture made between the King on the one part, and *William Courtney* late earl of *Devon*, and the lady *Katherine* his wife, on the other part.
3. An act for confirmation of an indenture made between *Katherine* countess of *Devon* on the one part, and *Sir Hugh Conway* on the other part.
4. An act for confirmation of an indenture made between *Katherine* countess of *Devon* and *Sir William Knyvett*.
5. An act for the assuring of certain lands to the earl of *Surrey*.
6. An act of restitution of *Thomas Wyndham*, son of *Sir John Wyndham*.
7. An act of restitution for *Thomas Empson*, son of *Sir Richard Empson*.
8. An act of restitution for *William Baskerville*.
9. An act for allotting divers sums of money for maintenance of the King's great wardrobe.
10. An act for granting a subsidy to the King.
11. An act for a pardon to be granted to *John Skelton*.

Anno 5 Hen. 8.

Cap. 1. How the King's subjects of *Tournay* and *Tyrwin* may recover their debts.

Cap. 2. Concerning the making of cloths in *Devon*, called white straits.

Cap. 3. White woollen cloths of five marks and under, may be exported unhorn.

Cap. 4. Against deceits in worsteds.

Cap. 5. Concerning jurors in *London*.

Cap. 6. For surgeons to be discharged of parish offices, inquests, &c.

Cap. 7.

A TABLE of the STATUTES.

Cap. 7. Concerning strangers buying of leather in open market.

Cap. 8. Concerning suit for the King's pardon granted upon certain articles.

Private Acts.

Anno 5 Hen. 8.

1. An act for the confirmation of letters patents made to the duke of *Norfolk*.

2. An act for the confirmation of letters patents made to the duke of *Suffolk*.

3. An act for the confirmation of letters patents made to the earl of *Surry*.

4. An act for the restitution of *Margaret Pole*, late wife of Sir *Richard Pole*, and sister and heir of *Edward* late earl of *Warwick* and *Salisbury*.

5. An act of restitution for *Humfrey Stafford*.

6. An act for the confirmation of the dowry of the countess of *Oxford*.

7. An act of restitution of *John Audeley*, second son of the lord *Audeley*.

8. An act for confirmation of letters patents made to the mayor and commonalty of the city of *London*, concerning the packing of woolen cloths and other merchandises.

9. An act for a subsidy to be granted to the King.

10. An act concerning Sir *Edward Poynings*.

11. An act for *John Heron* to be surveyor of the customs and subsidies within the port of *London*.

Anno 6 Hen. 8.

Cap. 1. Concerning apparel.

Cap. 2. Concerning the maintenance of archery.

Cap. 3. Concerning the wages of artificers and labourers.

Cap. 4. For proclamations to be made before *exigents* be awarded in foreign shires.

Cap. 5. Against decaying of husbandry, &c.

Cap. 6. For the remitting prisoners with their indictments to the places where the crimes were committed.

Cap. 7. Concerning the fares of watermen.

Cap. 8. Concerning the making of woolen cloths in the county of *Devon*.

Cap. 9. Against deceits in making woolen cloths.

Cap. 10. For commission of sewers.

Cap. 11. For the importation of bow-staves by strangers.

Cap. 12. Against exporting *Norfolk* wools.

Cap. 13. Against keeping or using, cross-bows, or hand-guns.

Cap. 14. For continuing the subsidy of tonnage and poundage during the King's life.

Cap. 15. Second letters patents annulled, making no mention of the first letters patents.

Cap. 16. That no knights of shires nor burgesses depart before the end of the parliament.

Cap. 17. For cleansing and deepening the river of *Canterbury*.

Cap. 18. For continuance of the under-sheriff of *Bristol*.

Private Acts.

Anno 6 Hen. 8.

1. An act for confirmation of the King's grant made to the duke of *Norfolk*.

2. An act for confirmation of letters patents made by the King to the duke of *Suffolk*.

3. An act of restitution for Sir *Edward Belknap*.

4. An act of restitution for *John White*, clerk.

5. An act for the assurance of the manors of *Hanworth*, and other lands, to the King and his successors.

6. An

A TABLE of the STATUTES.

6. An act concerning the King's general surveyors.
7. An act of refumption of divers offices, annuities, and other things.

Anno 7 Hen. 8.

- Cap. 1. Against the decay of husbandry, &c.
- Cap. 2. Repeal of licences for importing *Gascoign* wine and *Tholouse* woad in foreign ships.
- Cap. 3. Limitation of actions popular.
- Cap. 4. Concerning avowries for rents and services.
- Cap. 5. Concerning artificers and labourers in the city of *London*.
- Cap. 6. Concerning apparel.

Private Acts.

Anno 7 Hen. 8.

1. An act for reformation of the *French* queen's jointure.
2. An act for a subsidy to be granted to the King.
3. An act concerning the King's revenues.
4. An act concerning the staple at *Calais*.
5. The King's general pardon.

Anno 14 & 15 Hen. 8.

- Cap. 1. Concerning broad white woolen cloths.
- Cap. 2. What apprentices, &c. foreign artificers may take.
- Cap. 3. Concerning worsted weavers of *Yarmouth*, and *Lynn*.
- Cap. 4. Concerning alien customs payable by *Englishmen* sworn to foreign princes.
- Cap. 5. Concerning the privileges and authority of physicians in *London*.
- Cap. 6. For altering of highways in the Weald of *Kent*.
- Cap. 7. Concerning shooting in cross-bows and hand-guns.
- Cap. 8. For allowing the clerks of chancery to marry.

Cap. 9. Concerning the liberty of cordwainers in *London*.

Cap. 10. Against unlawful hunting the hare.

Cap. 11. Concerning cloths called *Vessels* made in the county of *Suffolk*.

Cap. 12. Concerning coiners at any mint within *England*.

Cap. 13. Concerning the haven and port of *Southampton*.

Cap. 14. Concerning such as be in the King's wars.

Private Acts.

Anno 14 & 15 Hen. 8.

1. An act for a subsidy to be granted to the King.
2. An act for the King's general pardon.
3. An act for uniting divers manors to the King's manor royal of *Beaulieu* in *Effex*.
4. An act concerning the expences of the King's household.
5. An act concerning the King's general receivers.
6. An act concerning the King's revenues.
7. An act of attainder of *Edward* late duke of *Buckingham*.
8. An act to give the King power to reverse the attainders of persons attaint of treason by act of parliament.
9. An act concerning the duchess of *Buckingham*.
10. An act of restitution for *Henry Stafford*, son of *Edward Stafford* duke of *Buckingham*.
11. An act for *Sir William Compton* for his more sure enjoying of certain lands.
12. An act for *Thomas Kitson* citizen and merchant of *London*.
13. An act for *Sir Richard Sacheverell* knight.
14. An act for *Sir John Marney*, lord *Marney*.
15. An act that such manors as were formerly holden of the castle of *Dover*

- Dower in Kent*, should be holden of the King.
16. An act containing a provision for the merchants of the *Hanse of Al-mayne*.
17. An act for the earl of *Northum-berland*.
18. An act for Sir *Andrew Windsore* and *Anthony Windsore*.
19. An act for Sir *Henry Wyatt*, knight.
20. An act for *George earl of Shrews-bury*.
21. An act for the jointure of *Eliza-beth Taylboys*, wife of *Gilbert Tayl-boys*.
22. An act that *George Roll* clerk, and keeper of the King's records of the common bench at *Westmin-ster*, shall hold his place during life.
23. An examination of *Edmond Shaa* seized and taken for an idiot, but, upon his examination by the lord chancellor, discharged.

- Cap. 13. Against pluralities of be- nefices, non-residence, and taking of farms by spiritual persons.
- Cap. 14. Concerning linen cloth call- ed dowlas and lockeram.
- Cap. 15. Termors shall enjoy their leases against recoveries had by feigned titles.
- Cap. 16. Concerning artificers stran- gers: the decree made thereon in the *Star-Chamber*.
- Cap. 17. For annulling letters pa- tents made to the city of *York*, con- cerning shipping of wools.
- Cap. 18. Concerning *Newcastle* upon *Tyne*, and the port and haven thereto belonging.
- Cap. 19. Concerning avowries.
- Cap. 20. The president of the coun- cil shall be associate with the chan- cellor and treasurer in punishing riots.
- Cap. 21. Concerning making wor- steds in *Farmouth* and *Lynn*.

Anno 21 Henry 8.

- Cap. 1. The King's pardon.
- Cap. 2. An abjured person shall be marked by the coroner with an hot iron.
- Cap. 3. Plaintiffs in assise may a- bridge their plaints.
- Cap. 4. Concerning the sale of lands by executors or part of them.
- Cap. 5. Concerning probate of testa- ments, fees to be taken, &c.
- Cap. 6. Concerning mortuaries.
- Cap. 7. Against servants imbezzel- ling their master's goods.
- Cap. 8. Against the killing of calves.
- Cap. 9. For limiting the price of foreign hats and caps imported here.
- Cap. 10. Against exporting brass, copper, &c.
- Cap. 11. Concerning restitution of goods feloniously stolen.
- Cap. 12. Concerning the making cables, &c. in *Burpart*.

Private Acts.

Anno 21 Hen. 8.

1. An act for the assurance of divers manors and lands to *Thomas duke of Norfolk*, and the heirs male of his body.
2. An act concerning the last will and testament of *John Roper* the elder, of *Canterbury*, in the county of *Kent*.
3. An act for the releasing unto the King such sums of money as he was to pay to his subjects for any manner of loan by letters missive, or otherwise.
4. An act that no person shall sustain any prejudice by means of the at- tainder of *Thomas* lord cardinal, who was seized of divers lands to divers uses.
5. An act for the assurance of certain lands to *Elizabeth* duchess of *Norfolk* during her life, and after to the duke of *Norfolk* and his heirs.

Anno

A TABLE of the STATUTES.

Anno 22 Hen. 8.

- Cap. 1. Concerning the buying of wools, and against regrating.
- Cap. 2. Concerning the trial of foreign pleas pleaded by felons.
- Cap. 3. Concerning *Plumbstead* marshes.
- Cap. 4. Concerning exactions levied on apprentices.
- Cap. 5. For repairing and amending bridges and highways.
- Cap. 6. Concerning tanners and butchers.
- Cap. 7. Against the exportation of horses.
- Cap. 8. For denizens strangers to pay strangers customs.
- Cap. 9. That wilful poisoning shall be adjudged high-treason.
- Cap. 10. Concerning outlandish people calling themselves *Egyptians*.
- Cap. 11. Concerning powdike in marshland.
- Cap. 12. Concerning poor persons, beggars, and vagabonds.
- Cap. 13. That no strangers, being common bakers, brewers, surgeons, or scriveners shall be accounted handicraftsmen.
- Cap. 14. How persons committing petit treason, murder, or felony, shall abjure.
- Cap. 15. The King's general pardon for his spiritual subjects of the province of *Canterbury*.
- Cap. 16. The King's general pardon for his temporal subjects.

Private Acts.

Anno 22 Hen. 8.

- 1. An act concerning the duke of *Richmond*.
- 2. An act concerning the King's household.
- 3. An act concerning the assurance of certain lands to the heirs of Sir *William Fyell*.
- 4. An act concerning the town of *Southampton*.
- 5. An act of exchange between the King and the heirs of the lord *marquis of Montague*, and others.

- 6. An act concerning certain annuities out of the bishoprick of *Winchester*.
- 7. An act concerning the assurance of the jointure of the lady *Dorothy* countess of *Derby*.

Anno 23 Hen. 8.

- Cap. 1. Concerning the allowance of clergy to persons convicted of petty treason, murder, &c.
- Cap. 2. For the making and keeping of gaols.
- Cap. 3. Against perjury and untrue verdicts.
- Cap. 4. Concerning coopers, and the making and contents of barrels, kilderkins, and firkins.
- Cap. 5. Concerning commissions of sewers.
- Cap. 6. Concerning recognizances to be taken by the two chief justices, and the recorder of *London*.
- Cap. 7. How *French* and other wines shall be imported and sold.
- Cap. 8. Concerning the havens in the west of *England*.
- Cap. 9. That no person shall be cited out of the diocese where he or she dwelleth, except in certain cases.
- Cap. 10. Against assurances of lands and tenements to the use of any parish church, chapel, or such like.
- Cap. 11. Concerning clerks convict breaking prison.
- Cap. 12. Concerning exaction of tolls by the *Savern* side.
- Cap. 13. For trial of murders in cities and towns.
- Cap. 14. For process of outlawry in actions on the statute of 5 R. 2. stat. 1. c. 8. and in covenant and annuity.
- Cap. 15. That the defendant shall recover costs, if the plaintiff be non-suited, or the verdict pass against him.
- Cap. 16. Felony to convey any horse, &c. into *Scotland*, without the King's licence.

Cap. 17.

A TABLE of the STATUTES.

- Cap. 17. Concerning the winding of wool.
- Cap. 18. For pulling down piles, &c. in the rivers *Ouse*, and *Humber*.
- Cap. 19. The King's pardon to his spiritual subjects in the province of *York*.
- Cap. 20. Against paying *Annuities*, or first-fruits to the see of *Rome*.
12. An act concerning an award made by the King, between *John* earl of *Oxford* of the one part, and *John Nevill* knight, lord *Latimer*, on the behalf of *John* his son, *Anthony Wingfield*, and others.
13. An act for assurance of the jointures of the lady *Anne*, and the lady *Elizabeth*, countesses of *Oxford*, *Margaret Vere*, and others.
14. An act concerning the attainder of *Richard ap Griffith*, and *William Hughes*.

Private Acts.

Anno 23 Hen. 8.

1. An act concerning an exchange of certain lands between the King and the abbot of *Westminster*.
2. An act concerning an exchange of lands between the King and the master, fellows, and scholars of *Christ's* college in *Cambridge*.
3. An act concerning an exchange of lands between the King and the abbot of *Walsbam Holy Cross*.
4. An act concerning an exchange of lands between the King and the provost of *Eaton*.
5. An act concerning an exchange of lands between the King and the abbot of *St. Albans*.
6. An act concerning an exchange of lands between the King and the prior of *St. John's* of *Jerusalem* in *England*.
7. An act concerning an exchange of lands between the King and the prior of *Sheene*.
8. An act concerning an exchange of lands between the King, the duke of *Richmond*, and the lord *Lumley*.
9. An act concerning the assurance of certain lands unto *Henry* earl of *Surrey*, in consideration of his marriage.
10. An act for the uniting of divers manors, lands, and tenements to the manor of *Hunsdon*, now called the honor of *Hunsdon*.
11. An act for the assurance of the jointure of the lady *Elizabeth* countess of *Willes*.

Anno 24 Hen. 8.

- Cap. 1. Concerning the true tanning and currying of leather.
- Cap. 2. Concerning the true dying of woollen cloths.
- Cap. 3. An act for flesh to be sold by weight, and the prices limited.
- Cap. 4. Concerning fowing of flax and hemp.
- Cap. 5. Where a man killing a thief, shall not forfeit his goods.
- Cap. 6. Concerning the sale of wines.
- Cap. 7. An act to continue a former act made against killing of calves.
- Cap. 8. That the defendant shall not recover costs against the plaintiff in any action commenced or prosecuted to the King's use.
- Cap. 9. Against killing of young beast called weanlings.
- Cap. 10. For the destroying of crows and rooks.
- Cap. 11. For paving the street-way between *Strand-Cross* and *Charing-Cross*.
- Cap. 12. That appeals to the see of *Rome* shall not from henceforth be had nor used, but only within this realm.
- Cap. 13. For reformation of excess in apparel.

Private Acts.

Anno 24 Hen. 8.

1. An act concerning the assurance of lands to *Walter Wolfe* and *dame*

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- dame *Elizabeth* his wife, late wife to Sir *William Compton*.
2. An act concerning the repealing of letters patents granted to the mayor and burgeses of the town of *Hull*.
 3. An act for licencing the butchers of *London* to kill their cattle within the walls of the same city.
 4. An act for confirmation of an exchange of lands, made between *Henry* lord marquis of *Dorset* and the lord *John Grey* and other his younger brethren.
 5. An act for confirmation of an exchange of lands, made between the King and the master, fellows and scholars of *Christ-Church* in *Cambridge*.
 6. An act for Sir *Richard Longe*, knight, for his better enjoying of the manor of *Shingaye*, fowl between the last day of *May* and the last day of *August*.
 - Cap. 12. Concerning the attainder of *Elizabeth Barton* and others.
 - Cap. 13. What number of sheep men shall keep, occupy and have in their own possession at one time.
 - Cap. 14. For punishing of heresy.
 - Cap. 15. Concerning printers and binders of books.
 - Cap. 16. That every judge of the high courts may have one chaplain beneficed with cure.
 - Cap. 17. Concerning shooting in cross-bows and hand-guns.
 - Cap. 18. Concerning clothiers within the county of *Worcester*.
 - Cap. 19. The submission of the clergy to the King, power to certain persons, with the King's consent and allowance, to make canons and constitutions, and restraint of appeals.
 - Cap. 20. Against payment of first-fruits to the pope, and the manner how bishops shall be elected.
 - Cap. 21. Concerning peter-pence and dispensations.
 - Cap. 22. Declaring the establishment of the succession of the King's most royal Majesty in the imperial crown of this realm.

Anno 25 Hen. 8.

- Cap. 1. Concerning graiers and butchers, and selling of flesh by weight.
- Cap. 2. For proclamation to be made concerning the prices of victuals.
- Cap. 3. That such persons as will stand mute, and not answer, when they are arraigned for felony, shall lose the benefit of clergy.
- Cap. 4. Against forestallers and regrators.
- Cap. 5. Against deceits in callending worsteds.
- Cap. 6. For the punishment of the vice of buggery.
- Cap. 7. Against killing of young spawn or fry of fish.
- Cap. 8. For paving of *Holbourn*.
- Cap. 9. Concerning pawterers.
- Cap. 10. That every commissioner of sewers refusing to take the oath appointed to be taken, shall forfeit to the King five marks.
- Cap. 11. Against taking of wild-

Private Acts.

Anno 25 Hen. 8.

1. An act concerning the town of *Plymouth*, containing a discharge of payment of 29l. 6s. 8d. to the prior of the monastery of *St. Peter and Paul* in *Phympton*, and that the parsonages of *Ugburgh* and *Blackaveton* shall be appropriated to the said prior and his successors in lieu thereof.
2. An act for confirmation of an exchange of certain lands between the duke of *Norfolk* and the heirs general of the earl of *Oxford*.
3. An act concerning the Queen's jointure.

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- Cap. 23. For the preservation of the havens and ports in the counties of *Devon* and *Cornwall*.
- Cap. 24. For re-continuing of certain liberties and franchises, heretofore taken from the crown.
- Cap. 25. For punishment of sturdy vagabonds and beggars.
- Cap. 26. For laws and justice to be ministered in *Wales* in like form as it is in this realm.
- Cap. 27. For the court of augmentations.
- Cap. 28. All monasteries given to the King, which have not lands above 2000 by the year.

Private Acts.

Anno 27 Henrici 8.

1. An act concerning the assurance of divers lands to the King and his heirs.
2. An act concerning the assurance of certain lands to the lady *Elizabeth Haux*, for her jointure.
3. An act concerning the assurance of certain lands to the King and his heirs, lately belonging to the lord *Audeley*.
4. An act for confirmation of an agreement made between the earl of *Rutland* and the mayor and commonalty of the city of *York*.
5. An act concerning an exchange of certain lands between the King, and the duke of *Norfolk*, and the prior and convent of *Thetford*.
6. An act concerning an exchange between the King and the archbishop of *Canterbury*.
7. An act concerning the assurance of the moiety of lands lately inned by *Cornelis Vanderdelfe*, lying by *St. Katherine's*, near the tower of *London*, unto *Richard Hill* and his heirs.
8. An act concerning the assurance of the lady *Eleanor Clifford's* jointure.
9. An act containing a pardon granted to the duke of *Suffolk*, and others, for debt.
10. An act concerning an exchange of certain lands between the King, the duke of *Suffolk*, and the earl of *Northumberland*.
11. An act concerning the duke of *Suffolk's* place in *Southwark* to the King and his heirs, and also concerning the assurance of *Norwich* place unto the duke of *Suffolk* and his heirs.
12. An act for confirmation of an agreement made between *Charles* duke of *Suffolk* and Sir *Christopher Willoughby*.
13. An act concerning the assurance of certain lands to Queen *Anne* for term of her life.
14. An act concerning the exoneration of *Oxford* and *Cambridge* from payment of first-fruits and tenths.
15. An act for confirmation of an award made by the King between Sir *Peirs Dutton* on the one part, and Sir *William Molineux*, Sir *Thomas Southworth*, and others.
16. An act for confirmation of an agreement made between *Charles Blount*, lord *Mountjoye*, *John Powlett*, and their wives, daughters and heirs of *Robert Willoughby*, knight, lord *Brook*, on the one part, and *Frances Dautrey* and others, on the other part.
17. An act concerning the assurance of all the temporalties belonging to the bishoprick of *Norwich* to the King and his heirs, and for conveying other lands to the bishop and his successors.
18. An act for confirmation of a partition of certain lands made between the lord *Thomas Howard* and Sir *Thomas Poyning*s.
19. An act that all the lands and possessions of the earl of *Northumberland*, for want of heirs of the body of the said earl begotten, shall come to the King and his heirs.

A TABLE of the STATUTES.

20. An act concerning an assurance of certain lands to Sir *Thomas Audley*, knight, lord chancellor of *England*, and his heirs.
 21. An act concerning the assurance of a void plot of ground being in *Chauce* in *London*, to the mayor and commonalty of the city of *London* and their successors.
 22. An act for assurance of the manor of *Habinge* to the King and his heirs.
 23. An act for the assurance of the lordship of *Collyweston*, and other things, to Queen *Anna*, for term of her life.
 24. An act concerning an exchange of lands between the King and the president and scholars of *Corpus Christi* college in *Oxford*.
 25. An act concerning an exchange between the King and the prior and convent of *Merton* abbey.
 26. An act concerning the assurance of certain lands unto Sir *Arthur Dorey*, knight, and his heirs.
 27. An act concerning the assurance of certain lands unto *Anne Fitzwilliams*, in recompence of her jointure.
 28. An act concerning the assurance of certain lands unto the lord *William Howard*, for term of his life.
 29. An act concerning the assurance of certain lands unto *Thomas Pope*.
 30. An act annulling, as well a deed of feoffment, as also an indenture, fraudulently made by Sir *Thomas More*, of lands in *Chelseth* or elsewhere in the county of *Middlesex*.
 31. An act concerning the attainder of *John Lewes*.
 32. An act concerning the assurance of the manor of *Bromhill* to the King and his heirs.
 33. An act concerning the King's general surveyors.
 34. An act declaring certain ordinances to be observed in the town of *Callis* and marches of the same, together with the several oaths that every officer is to take.
 35. An act concerning the manor of *Greens-Norton*.
 36. An act concerning the heirs of the lord *Marley*.
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- Anno 28 Henrici 8.*
- Cap. 1. That felons abjuring for petit treason, murder or felony, shall not be admitted to the benefit of their clergy.
 - Cap. 2. For continuing of two statutes made in the last parliament, touching such as go away with caskets, jewels, goods or plate of their masters.
 - Cap. 3. For giving the King's highness authority newly to allot the townships in the shires and marches of *Wales* at any time within three years next ensuing.
 - Cap. 4. For repealing the statute lately made for the bringing in of dowlas and lockeram.
 - Cap. 5. For avoiding of exactions taken upon apprentices in the cities, boroughs and towns corporate.
 - Cap. 6. For the continuance of the statutes for beggars and vagabonds; and against conveyance of horses and mares out of this realm; and against *Welchmen* making affrays in the county of *Hereford*, *Gloucester* and *Salop*; and against the vice of buggery.
 - Cap. 7. Concerning the succession of the crown.
 - Cap. 8. For the continuance of the statute against the carriage of brass, latten and copper out of this realm; and for making of cables and ropes, for the winding of wools, and against killing of weanlings under the age of two years.
 - Cap. 9. For continuance of the statutes of perjury, for making of gaols,

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- gaols, for pewterers, and for sowing of flax and hemp.
- Cap. 10. For extinguishing the authority of the bishop of *Rome*.
- Cap. 11. For the restitution of the first-fruits in time of vacation to the next incumbent.
- Cap. 12. For declaring the limits of the King's palace of *Westminster*.
- Cap. 13. For compelling spiritual persons to keep residence upon their benefices.
- Cap. 14. For limiting the prices of wines.
- Cap. 15. For punishment of pirates and robbers on the sea.
- Cap. 16. For the release of such as have obtained pretended licences and dispensations from the see of *Rome*.
- Cap. 17. For giving authority to such as shall succeed in the crown of this realm, when they come to the age of twenty-four years, to make frustrate such acts as shall be made before that time.
- Cap. 18. Concerning treason in certain cases.
- of certain lands sometime belonging to the earldom of *Warwick*, to the King and his heirs.
6. An act concerning the assurance of a yearly pension of four hundred pounds unto *Robert Starke*, late bishop of *Chichester*.
7. An act concerning the attainder of the lord *Thomas Howard*.
8. An act concerning the assurance of certain lands to Sir *Edward Seymour*, knight, viscount *Beauchampe*.
9. An act concerning the assurance of certain lands, and a messuage in *Kenil*, unto Sir *Edward Seymour*, viscount *Beauchampe*, and to the lady *Anne*, his wife.
10. An act declaring the church of *Elising Spyle* to be from henceforth reputed and taken to be the parish church of *St. Albes* within the ward of *Cripplegate* in *London*.
11. An act concerning the assurance of the moiety of *Riccardi-castle* in the county of *Heresford*, to *John Onely* and his heirs.
12. An act concerning an exchange of certain lands between the King and the abbot of *Westminster*, for *Coven-Garden*.
13. An act concerning the assurance of the manor of *Stanton Barrey* to the King and his heirs.
14. An act for enlarging of *St. Margaret's* church-yard in *Southwark*.
15. An act concerning the assurance of certain lands unto the King and his heirs, from Sir *William Essex* and others.
16. An act concerning an exchange between the King and the bishop of *Durham*, for *Durham-place*.
17. An act concerning the assurance of *Baynard's-castle* unto the duke of *Richmond*, and unto his heirs.
18. An act concerning an exchange of certain lands between the King and the lord *Sander*.

Private Acts.

Anno 28 Henrici 8.

1. An act concerning the attainder of *Thomas Fitzgerald*, late earl of *Kildare*, and others, for raising war against the King in *Ireland*.
2. An act for assurance of divers lands belonging to the monastery of *St. Saviour of Barmondesey*, to the King and his heirs.
3. An act concerning the assurance of certain lands unto dame *Grace*, wife of Sir *Henry Parker*, son and heir apparent unto *Henry* lord *Morley*, for her jointure.
4. An act concerning an exchange of lands between the King and the prior of *St. John's Jerusalem* in *England*.
5. An act concerning the assurance

A TABLE of the STATUTES.

19. An act ratifying an award made by the King between Sir *Adrian Fortescue* and Sir *Walter Stonor*.
 20. An act for assurance of divers lands to *Richard Devereux*, son and heir apparent of *Walter* lord *Ferrers*, in consideration of a marriage to be had between him and the lady *Dorothy*, daughter of the earl of *Huntingdon*.
 21. An act concerning the assurance of the manor of *Paris-garden*, *Hide*, and others, to the Queen's grace.
 22. An act concerning the assurance of certain lands unto the King and his heirs, sometime belonging unto the earldom of *Marche*.
 23. An act concerning the assurance of the manor of *Kyrstling* unto *Edward North* and his heirs.
 24. An act containing a pardon to *Edward Birmyngbam*, and also an assurance of the manor of *Byrmyngbam* to the King and his heirs.
 25. An act concerning an exchange of certain lands between the King and the abbot of *Abington* and others.
 26. An act concerning the assurance of certain lands unto *Thomas Jermyyn* and his heirs.
 27. An act concerning the assurance of the manor of *Hassington-field* to the prior and convent of *Charter-house*, and also a discharge to the company of mercers from payment of an annuity of 13*l.* 6*s.* 8*d.* formerly paid to the said prior.
 28. An act for assurance of divers lands for the jointure of Queen *Jane*.
 29. An act for assurance of certain lands unto *Thomas Hatchiffe* and to his heirs.
 30. An act concerning the assurance of certain lands unto *John Gostwick* and his heirs.
 31. An act concerning the marriage to be had between the lord *Bulbeck*, son and heir apparent unto the earl of *Oxford*, and the lady *Dorothy*, eldest daughter of the earl of *Westmoreland*, and for assurance of divers lands unto them.
 32. An act concerning an exchange of lands between the King and the abbot and convent of *Westminster*.
 33. An act concerning an exchange of lands between the King and the archbishop of *Canterbury* and *Thomas Cromwell*, esquire.
 34. An act concerning the assurance of certain lands unto the lady *Katherine* duchess of *Suffolk*, in recompence of her jointure.
 35. An act that the attainder of the lord *Rachford*, *Francis Weston*, *Henry Norries*, and others, shall not be prejudicial to any other persons, to whose use any of them stood seised of any manors, lands or tenements.
 36. An act expressing in what manner the lands and tenements mentioned in the last will of *John Roper*, shall be disposed of and settled.
 37. An act between the King and the warden of *Rouncivall*.
 38. An act between the King and the lord *St. John*.
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- Anno 31 Hen. 8.*
- Cap. 1. Concerning joint-tenants and tenants in common.
 - Cap. 2. That fishing in any pond, stew or mote, with an intent to steal fish out of the same, is felony.
 - Cap. 3. For changing the custom of Gavelkind.
 - Cap. 4. Concerning the amending of the river and port of *Exeter*.
 - Cap. 5. The King's manor of *Hampton-Court* is made an honour, and a new chase thereunto belonging.
 - Cap. 6. That such as were religious persons may purchase, sue and be sued.
 - Cap. 7. Concerning the continuance of the statutes for punishment of beggars, vagabonds, &c.
 - Cap. 8.

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- Cap. 8. That proclamations made by the King's highness, with the advice of his honourable council, shall be obeyed and kept as though they were made by act of parliament.
- Cap. 9. For authorising the King's highness to make bishops by his letters patents.
- Cap. 10. Concerning placing of the lords in the parliament-chamber, and other assemblies, and conferences of council.
- Cap. 11. For authorising the King's highness newly to allot certain townships in *Wales*.
- Cap. 12. Concerning wrongful taking of hawks-eggs and birds out of the nest, and finding and taking up of the King's hawks, hunting in the King's forest, park or chase, or other ground inclosed, and killing of conies within any lawful warren of the King's.
- Cap. 13. All manors, lands, profits and hereditaments belonging to any the monasteries, or other religious houses dissolved, or hereafter by any means to be dissolved, are assured to the King's highness, his heirs and successors for ever; and in what wise leases and grants heretofore made; or hereafter to be made, of them or any part of them, shall take effect.
- Cap. 14. For abolishing of diversity of opinions in certain articles concerning christian religion.
4. An act for the assurance of *Chester Place* to the earl of *Hertford*.
5. An act for the assurance of the manor of *Ryctot* to Sir *John Williams*.
6. An act for the lady *Rosford's* jointure.
7. An act for the assurance of certain lands to Sir *Christopher Hales*.
8. An act for the restitution of *Henry Norries*.
9. An act for the assurance of lands to Sir *Richard Rich*, the manor of *Little Baddow*, the manor of *Much Waltham*, and other lands in the county of *Essex*.
10. An act for the assurance of lands to Sir *Henry Long* and Sir *Thomas Seymour*.
11. An act for the assurance of *Bath Place* to the earl of *Southampton*.
12. An act for an exchange between the bishops of *Rocheſter* and *Carlisle* and the lord *Ruffell*.
13. An act for the six clerks of the chancery for the assurance of their house.
14. An act concerning the assurance of certain lands, to *Thomas Wyatt* and *Jane* his wife, and to *Thomas Culpepper*, and to *Elizabeth* his wife.
15. An act concerning an exchange of divers lands between the King and the duke of *Norfolk*.
16. An act concerning a partition of lands between Sir *Thomas Poyning's*, knight, and the lady *Katheryn* his wife, the lord *Thomas Howard* and the lady *Elizabeth* his wife; and a confirmation of an assurance of lands to Sir *Thomas Audley*, lord chancellor of *England*.
17. An act for *William Lord Parr*, that the children born of the body of lady *Anne*, his wife, in adultery, shall be deemed and taken to be bastards, and disabled to inherit any of the lands of the lord *Parr*.

Private Acts.

Anno 31 Hen. 8.

1. An act for the attainder of the marquiss of *Exeter* and others.
2. An act for the lady *Toyleboy's* jointure.
3. An act for the assurance of the house of *Saint Lawrence Pountney* to the earl of *Suffex*.

T H E

S T A T U T E S at Large, &c.

Anno primo RICHARD I III.

Statutes made at *Westminster* in the first year of the reign of King RICHARD III. and in the year of our Lord 1483.

RICHARD by the grace of God King of England, and of France, and lord of Ireland, the third after the conquest; to the honour of God, and of holy church, and for the common wealth of his realm of England, at his first parliament holden at *Westminster*, the three and twentieth day of January, in the first year of his reign, by the advice and assent of the lords spiritual and temporal, and at the request of the commons of the said realm of England, summoned to the said parliament, by the authority of the same parliament, hath ordained and established, for the quietness of his people, certain statutes and ordinances in manner following.

CAP. I.

All acts made by or against Cestuy que use shall be good against him, his heirs and feoffees in trust.

FOrasmuch as by privy and unknown feoffments, great un-
 surety, trouble, costs, and grievous vexations daily grow
 among the King's subjects, insomuch that no man that buyeth
 any lands, tenements, rents, services, or other hereditaments, nor
 women that have jointures or dowers in any lands, tenements, or
 other hereditaments, nor mens last wills to be performed, nor
 leases for term of life, or of years, nor annuities granted to any
 person or persons for their services for term of their lives or
 otherwise, be in perfect surety, nor without great trouble and
 doubt of the same, because of the said privy and unknown feoff-
 ments: (2) For remedy whereof, be it ordained, establish-
 ed, and enacted, by the advice of the lords spiritual and
 temporal, and by the commons in this present parliament as-
 sembled, and by authority of the same, that every estate fe-
 offment, gift, release, grant, leases and confirmations of lands,
 tenements, rents, services, or hereditaments, made or had, or
 hereafter to be made or had by any person or persons being of
 full age, of whole mind, at large, and not in dures, to any
 person or persons; and all recoveries and executions had or
 made, shall be good and effectual to him to whom it is so made,
 had or given, and to all other to his use, (3) against the seller,
 feoffor, donor, or granter thereof, (4) and against the sellers,
 feoffors, donors, or granters, his or their heirs, claiming the
 same only as heir or heirs to the same sellers, feoffors, donors

The several
 inconve-
 niencies of
 secret feoff-
 ments.
 Godbolt 306.
 pl. 417.
 1 Anderl. 333.
 1 Co. 133.
 2 Leon. 153.
 Cro. Eliz. 187.
 All acts made
 by or against
Cestuy que use
 shall be good
 against him
 his heirs and
 feoffees in
 trust.

1 H. 7. c. 1.
 4 H. 7. c. 17.
 19 H. 7. c. 15.
 27 H. 8. c. 10.

The estate of
tenant in tail
saved.

or granters, and every of them, (5) and against all other having or claiming any title or interest in the same, only to the use of the same seller, feoffor, donor or granter, sellers, feoffors, donors or granters, or his or their said heirs at the time of the bargain, sale, covenant, gift or grant made, (6) saving to every person or persons such right, title, action or interest, by reason of gift in tail thereof made, as they ought to have had, if this act had not been made.'

CAP. II.

The subjects of this realm shall not be charged by any benevolence, &c.

22 Co. 119.

The subjects
of this realm
shall not be
charged with
any benevo-
lences, &c.

13 Car. 2. stat. 1.
c. 4.

THE King remembering how the commons of this his realm, by new and unlawful inventions, and inordinate covetise, against the law of this realm, have been put to great thralldom and importable charges and exactions, and in especial by a new imposition called a Benevolence, whereby divers years the subjects and commons of this land, against their wills and freedoms, have paid great sums of money to their almost utter destruction: (2) For divers and many worshipful men of this realm, by occasion thereof, were compelled by necessity to break up their households, and to live in great penury and wretchedness, their debts unpaid, and their children unpreferred, and such memorials as they had ordained to be done for the wealth of their souls were enentized and annulled, to the great displeasure of God, and the destruction of this realm: (3) Therefore the King will it be ordained, by the advice and assent of the lords spiritual and temporal, and the commons, of this present parliament assembled, and by the authority of the same, That his subjects, and the commonalty of this his realm, from henceforth in no wise be charged by none such charge, exaction, or imposition, called a benevolence, nor by such like charge; (4) and that such exactions, called benevolences, before this time taken, be taken for no example to make such or any like charge of any of his said subjects of this realm hereafter, but it shall be damned and adnulled for ever.

CAP. III.

Every justice of peace may let a prisoner to mainprise. No officer shall seize the goods of a prisoner until he be attainted.

Every justice
of peace may
admit a pri-
soner to bail.
Rep. 3 H. 7.
c. 3.
1 & 2 Ph. &
M. c. 13.
Escape of fel-
lons inquir-
able by justices
of peace.

FOrasmuch as divers persons have been daily arrested and imprisoned for suspicion of felony, sometime of malice, and sometime of a light suspicion, and so kept in prison without bail or mainprise, to their great vexation and trouble: (2) Be it ordained and established by authority of this present parliament, That every justice of peace in every shire, city, or town, shall have authority and power, by his or their discretion, to let such prisoners and persons so arrested, to bail or mainprise, in like form as though the same prisoners or persons were indicted thereof of record before the same justices in their sessions; (3) and that jus-

justices of peace have authority to enquire in their sessions of all manner escapes of every person arrested and imprisoned for felony. (4) And that no sheriff, under-sheriff, nor escheator, bailiff of franchise, nor any other person, take or seise the goods of any person arrested or imprisoned for suspicion of felony, before that the same person, so arrested and imprisoned, be convicted or attainted of such felony according to the law, or else the same goods otherwise lawfully forfeited; (5) upon pain to forfeit the double value of the goods so taken, to him that is so hurt in that behalf, by action of debt to be pursued by like process, judgment, and execution, as is commonly used in other actions of debt sued at the common law; (6) and that no essoin or protection be allowed in any such action; nor that the defendant in any such action be admitted to wage or do his law.

1 Lutw. 132.
Cro. El. 749.
43 Ed. 3. f. 244
No officer
shall seise the
goods of a
prisoner until
he be attaint-
ed, or the goods
forfeited.

C A P. IV.

Of what credit and estate those jurors must be which shall be impanelled in the sheriff's turn.

FOrasmuch as divers great inconveniencies and perjuries do daily happen in divers shires of England by untrue verdicts given in inquisitions and enquiries before sheriffs in their turns, by persons of no substance nor behaviour, not dreading God nor the world's shame, by reason whereof divers and many of the King's lieges of divers parts of England, by exciting and procuring of their evil willers, be wrongfully indicted, and other that ought of right to be indicted by such excitation and procuring, oftentimes be spared, contrary to common right and to good conscience. (2) In eschewing whereof, be it ordained by the King our sovereign Lord, by the advice of the lords spiritual and temporal, and commons in this present parliament assembled, and by authority of the same, That no bailiff nor other officer from henceforth return or impanel any such person in any shire of England, to be taken or put in or upon any such inquiry in any of the said turns, but such as be of good name and fame, and having lands and tenements of freehold within the same shires to the yearly value of xx s. at the least, or else lands and tenements holden by custom of manor, commonly called *copyhold*, within the said shires, to the yearly value of xxvi. s. viii. d. over all charges at the least: (3) And if any bailiff or other officer within the said counties hereafter return or impanel any person contrary hereunto, he to lose for every person that he so impanelleth and returneth, not being of the sufficiency as is afore said, as often as he so offendeth, xl. s.

Of what credit and estate those jurors must be which shall be impanelled in the sheriff's court.

II. And the said sheriff other xl. s. the one half thereof to the King our sovereign lord, and the other half thereof to such as will sue in that behalf: (2) And that every man that will sue for the same to have their several actions of debt therefore at the common law, as well against the sheriff as the said bailiff; and that such and like process be had and used in every of the same action or actions, as be had and used in other actions of

The indictment taken by other persons shall be void.

debt at the common law, (3) and that no protection nor essoin be allowed in the same; (4) and that every such indictment before any sheriff in his turn otherwise taken, be void and of none effect. This act to take effect from the first day of this present parliament, and not before.

CAP. V.

Those lands whereof the King was infeoffed jointly with others to the use of the feoffor, shall be in his co-feoffees.

CAP. VI.

The statute of 17 EDWARD IV. cap. 2. rehearsed and made perpetual, viz. That in every court of pipowders the plaintiff or his attorney shall be sworn, &c.

17 Ed. 4. c. 2.

PRayen the commons in this present parliament assembled, That where in a statute made in the seventeenth year of the reign of King Edward the Fourth, it was ordained among other, That where divers fairs have been holden and kept in divers places within this realm, some by prescription allowed before justices in eyre, and some by the grant of your noble progenitors and predecessors, and to every of the same fairs is of right pertaining a court of pipowders, to minister therein due justice in that party; (2) in which court it hath ever been accustomed, That every person coming to such fairs, should have lawful remedy of all manner contracts, trespasses, covenants, debts, and other deeds made or done within any of the said fairs during the time of the said fairs, within the jurisdiction of the same, and to be tried by merchants being at the same fairs; (3) which courts in these days have been misused by stewards, bailiffs, commissaries, and other ministers, holding and ruling the said courts of the said fairs for their singular profit, holding plea by complaints, as well contracts, debts, trespasses, and other deeds done and made out of the time of the said fairs or fair, and jurisdiction of the same, whereof in troth they have no jurisdiction, surmising the contracts, debts, trespasses, covenants, or other deeds to be done within the time of the fairs, and within the jurisdiction of the same fairs, where in troth they were not so. (4) And sometime upon feigned complaints, by imagination by evil disposed people, to trouble them to whom they owe evil will, some to the intent to make them to lose their fair, and some to the intent that they should have, for lucre, favourable inquests of comers to the same fairs where they take their actions, (5) whereby much people coming to the said fairs be grievously vexed and troubled by feigned actions, and also by actions of debts, trespasses, deeds, and contracts made and done out of the time of the said fairs, or jurisdiction of the same, contrary to equity, and good conscience, whereby the lords of the said fairs lose great profits by the not coming of divers merchants to their fairs, which for that cause abstain them, and also the commons for that cause be worse served of such stuff and merchandises as else should come to the said fairs; (6) please it therefore your highness, the premisses considered, by the advice and assent of the lords spiritual and temporal in this your present parliament assembled, and by the authority of the same, to ordain, and to establish, That from the first day of May

next coming, no steward, under-steward, bailiff, commissary, nor other minister of such courts of pipowders, hold plea upon any action at the suit of any person or persons, without the plaintiff or plaintiffs, or his or their attornies, in presence of the defendant or defendants (if he or they, or his or their attornies desire it) make oath upon the holy Evangelists, upon the declaration, that the contract, trespass, or other deed comprised in the same declaration, were made or done within the fair-time of the said fair, where he taketh his action, and within the bounds and jurisdiction of the same fair. (7) And although the said plaintiff or plaintiffs by their oath affirm the same, That the said defendant or defendants be not concluded thereby, but that they may answer and plead to the action, or in abatement of the plaints, and to tender an issue, that the same contract, trespass, or other deed comprised in such declaration, whereupon the plaintiff or plaintiffs do declare, was not done nor made within the fair-time and jurisdiction of the said fair, but out of the time of the fair, or at other places out of the jurisdiction of the same fair, after the troth in that party.

II. And if it be so tried, or that the plaintiff or plaintiffs, or their attornies, refuse to be sworn in the form aforesaid, that then the defendant or defendants be quite dismissed and discharged in that behalf out of that court; the party plaintiff to take his advantage at the common law, or other place convenient, as him seemeth good, this ordinance notwithstanding.

III. And that every steward, under-steward, bailiff, commissary, or other minister, holding and ruling any of the said courts, that doth the contrary to this ordinance, shall for every default in that behalf forfeit C. s. the one half thereof to your Highness, and the other half thereof to him that in that party will sue his action upon this ordinance, by action of debt in his own name; (2) and that writs of proclamation in all goodly haste be directed to every sheriff of every shire of England, to make this ordinance to be proclaimed in every part within his shire, as well within franchise as without.

IV. And that the ordinance touching fairs, as is aforesaid, should endure to the next parliament, which ordinance is now expired: (2) And for certain the said ordinance is full necessary and requisite to endure for ever, and full profitable to all the commons of this realm; (3) be it therefore ordained and established by the authority of this present parliament, That the aforesaid ordinance be and stand in virtue and strength, and alway to be executory from the feast of the Annunciation of our Lady next coming perpetually after to endure.

CAP. VII.

Who shall be bound by a fine levied before the justices of the common pleas: And proclamations made thereof.

ITEM, Whereas it is ordained, * established, and enacted * *Not on the* in a parliament holden in the time of the reign of King Edward *roll.* the First, by the statute De Finibus, that notes, and fines levied in the King's court before his justices, should be openly and solemnly read, and that the pleas in the mean time should cease, and this to be done two days in the week after the discretion of the justices, as in the same

Anno 18 Ed. 1.
stat. 4. Modus
levandi fines.
How often
fines shall be
proclaimed.
Altered by
31 El. c. 2.

statute more plainly appeareth: (2) Our said Sovereign Lord the King considering that fines ought to be of the greatest strength to avoid strifes and debates, and be a final end and conclusion, that it be willed and ordained, by the advice and assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That after the ingrossing of every fine, to be levied after the feast of *Easter* next coming in the King's court before the justices of the common place, of any lands, tenements, or other hereditaments, the same fine shall be openly and solemnly read and proclaimed in the same court the same term, and in three terms of the year next following the same ingrossing in the same court, at four several days in every term, (3) and in the same time that it is so read and proclaimed, all pleas shall cease, (4) and moreover a transcript of the same fine shall be sent by the said justices of the common place to the justices of assises of the county where the said lands and tenements be; they to cause the said fine to be read and proclaimed openly and solemnly in every their sessions of assises, to be holden the same year, if assises do then hold, and all the pleas in the mean time to cease.

A transcript
of the fine
shall be sent to
the justices of
assise of the
county where
the land lieth,
to be pro-
claimed there.

A transcript
sent to the ju-
stices of peace.

II. Also it is ordained and established by the said authority of parliament, That a like transcript of the same fine shall be sent to the justices of peace of the county where the said lands and tenements be, they to cause open and solemn proclamation of the said fine to be made at four general sessions of the peace to be holden in the same year.

Who shall be
concluded by a
fine, who not.

III. The said justices of assises, and also justices of peace, to certify the same proclamation to the King's justices of the common place, at the second day of return of the term then next following, (2) after which proclamation done and certified, the said fine to be a final end, and to conclude, as well privies as strangers to the same, except women covert, other than be parties to the said fine, and every person or persons then being within age, in prison, or out of this realm of *England*, or not of whole memory at the time of such fine levied.

The immedi-
ate rights of
strangers fav-
ed, if pursued
in time.

IV. And saving to every person or persons such right, title, claim, and interest, which they have to or in the said lands, tenements, and other hereditaments, at the time of such fine ingrossed, so that they do pursue their said right, title, claim, or interest, by way of action, or lawful entry, within five years next after the said proclamation made, had, or certified.

The right of
strangers in
reversion fav-
ed.

V. And also saving to all other persons such action, right, title, claim, and interest, in and to all the said lands, tenements, and other hereditaments, which shall grow, remain, descend, or come to them after the said fine ingrossed, by force of any gift in tail, or by any other cause or matter had or made before the said fine levied, so that those persons take their said actions, or pursue their said right and title according to the law, within five years next after such actions, right, title, claim, or interest, grown, descended, remained, or come to them; (2) and also that the
said

said persons, and their heirs, may have their said action against the taker of the profits of the said lands, tenements, and other hereditaments at the time of such action to be taken.

Actions maintainable against the person of the profits.

VI. And if the same persons at the time of such action, right, and title, grown, descended, remained, or come to them, be covert baron, or within age, or in prison, or out of this land, or not of whole memory; it is ordained, established, and enacted by authority aforesaid, That their actions, right, and title shall be reserved, and saved to them and their heirs till the time they come and be at their full age, out of prison, within this land, unmarried, and of whole memory, so that they or their heirs take their said actions, or lawful entry, according to their right and title, within five years next after they come and be at their full age, out of prison, within this land, unmarried, and of whole memory, and pursue the same actions, or take their lawful entry with effect, according to the law of *England*.

The right of infants, women covert, persons imprisoned, out of this land, or not of whole memory saved.

VII. Also by authority of the said parliament it is ordained, established, and enacted, That all such persons which be covert, not parties to the fine, and every person being within age, in prison, or out of this realm, or not of whole memory, at the time of the said fines levied and ingrossed, by this act of parliament before excepted, having any right or title, or cause of action to any of the said lands, tenements, and other hereditaments, that they or their heirs take their said actions, or lawful entry, according to their right and title, within five years next after that the said persons come to be of full age, out of prison, unmarried within this land, and also become of whole memory; (2) and also sue the same actions, and take their lawful entry, and so pursue with effect, according to the law of the realm of *England*. (3) And moreover, if they do not take their said actions, and also their said lawful entry in the manner as is aforesaid, that then they shall be concluded by the said fines for ever, in like form as they that be parties and privies to the said fines levied and ingrossed.

An entry must be made, or an action taken, within 5 years after the defects removed.

VIII. Also by the said authority it is ordained and established, That every fine which shall be from henceforth levied in any of the King's courts, of any manors, lands, tenements, or other possessions, after the manner, usage, and form that fines have been levied before the making of this act before rehearsed, shall be of like strength, effect, and authority, as fines so levied be or were before the making of this act, this act, or any other act, in this parliament made, or to be made, notwithstanding. (2) And that every person shall be at his liberty to levy any fine hereafter, as he will himself at his pleasure, after the manner contained and ordained in and by this act, or after the manner and form before used.

Fines at the common law be of the same force they were before. Any person may levy a fine according to this statute or the common law.

4 H. 7: c. 24.

CAP. VIII.

The length and breadth of cloths, and the order of dying them and wools. The ability of the aulnager, and what cloths he may seal.

This preamble is taken from the statute roll in the parliament office, Anno Rich. 3.

TO the King our sovereign lord, praieth unto your Highness your true subjects and commons in this present parliament assembled, That where in time passed this your realm of England hath greatly been encreased and riched by the mean of true making and draping, and also of true dying of woollen cloth, whereby a great substance of the people of your said realm have been set on work, and not fallen to idlenesse, as dailly noww they doo, but thereby truly have gotten ther levynge; it is so now, most gracious sovereign lord, That the woollen clothes which in late daies have been made, and yet dailly ben made within this your realm, ben unperfect and decevably made and wrought, keepyng nother resonable length nor brede, and the same clothes so as it is aforesaid unperfectly made, and decevably wrought, afterward ben put to be shorne, and afore be not fully wette; and many of the seid clothes, after they ben fully wette and shorne, ben set upon tentours, and drawen out in leyng and brede, that is to say, some of the same clothes being but of the length of xxiiii. yardys, ben drawen out in length of xxx. yerdis, and in brede from vii. quarters unto the brede of ii. yerdis; the which clothes so shorn or they be wette, or ells drawen in leyng or in brede, as it is aforesaid, after that they receyve any wette they most of werry necessity shrynk; and also the clothmakers, and other of your seid realm, oftyen times when they make any course clothes, and also the sellers of such course clothes, being bare of threde, usen for to powder and cast flockys of synner cloth upon the same course clothes, to the intent to make the same cloth to appere fyne and good; and also the seid clothmakers and other put and cast chalke upon white clothes, to the intent to make the same clothes to appere better then they ben: and moreover great quantitie of wolls ben had out of this your seid roialme by straungiers, and other, in caraks, gallies, and shippies, which ben sorted the better from the worse, barbed and clakked, and thereof is made moche lorkys and refuse, of the which the refuse in substance is left within this your said roialme, and therof moche course cloth is made within the same realme, and so the fine wolls ben hadd out of this your said realme by the seid straungiers, and the course wolls and refuse here left, by reason whereof there canne be no substance of fine drapery made within this your seid roialme to the great loss of your said Highness in your custome, in paying less custome for the lorkys then for the hole wollyn flese, and also to the great hurt and decay of all your seid realm, in enpayryng of the seid drapery. Also, most gracious sovereign lord, dyers within many cities, burghes, and townes of this your seid realm of England, usen to dye great quantity, as well of fyne clothes, as of course clothes, with orchell and corke brought from beyond the sea, called Jarecork, the colours made with the which orchell and cork ben so diseyvable, that the same colours may in no wise abide, but faden away to the great hurt of all them that were or occupy any such cloth so decevably dyed. Also the seid dyers

dyers usen to dye many clothes of divers colours, and upon the lists of the same clothes fessen and sowe greate rissbes, called bullrissbes, to th'entent to make the same clothes to appere of on colour, and the lists of another colour wher thurgh the byers of the seid clothes can ne may unneth understand but that the same clothes ben died out of wolle, to the great hurt of you, most dred sovereign lord, and of all your true subgietts which shall were or occupy the same clothes, and by occasion of the which imperfite and untrew making, dying, and deceyvable delyng, merchauntes of strange contrees, which hath used to bye clothes made and died in this your seid realm, unneth der bye eny of the seid clothes, to the greate rebuke and dishonour of the same realm, and hurte of your Higbness, and of all your seid realm, whereupon, but if the rather a remedy be provided by your most noble grace, of werry likelyhode consequently shall ensue the destruction of drapery of all this your seid realm, which God defend. For the avoiding whereof our said sovereign lord the King, by the advice and assent of the said lords spiritual and temporal, and at the request of the commons in the said parliament assembled, and by authority of the same, hath ordained, established, and enacted, That no person whatsoever he be, cloth-maker or other, shall sell, nor put to sale, after the feast of St. Michael the archangel next ensuing, any manner woollen cloths, called *broad cloths*, unless the same cloth be before fully watered.

Broad cloth shall be fully watered before it be put to sale.

II. And that every whole woollen cloth, and also broad cloth, which shall be made in this realm of *England*, after the said feast of St. Michael the archangel next coming, after that it be fully watered ready to sale, shall hold and contain in length twenty four yards, and to every yard an inch, containing the breadth of a man's thumb, to be measured by the crest of the same cloth, and also it shall hold and contain in breadth two yards within the lists, by the whole length of the same.

III. Also that every half cloth of the said whole cloths to be made after the said feast, after his full watering ready to sale, shall hold and contain twelve yards in length at the least, with the inches aforesaid, to be measured by the crest, and two yards in breadth within the lists; (2) so that always the same half cloth do not exceed the length of sixteen yards, upon pain of cutting the whole cloth in three pieces, and of cutting the half cloth in two pieces; (3) and also to lose for every whole cloth vi. s. viii. d. and for every half cloth iii. s. iv. d. made, sold, or put to sale after the said feast, not full watered, or made after the said feast not keeping their measure above ordained; (4) and if the said whole cloth be longer in measure than the said twenty four yards, and the inches aforesaid, and the half cloth of the same be longer than twelve yards, with the said inches, that then the buyer of the same whole cloth shall pay for as much as it doth exceed in the measure of twenty four yards, and the buyer of the same half cloth to pay for as much as it doth exceed twelve yards; so that always the said half cloth do not pass the length of sixteen yards, as above is said.

The length and breadth of whole cloths and half cloths. Rep. 5 & 6 Ed. 6. c. 6.

The penalty of the offender.

IV. Also

The length
and breadth
of freits.

IV. Also that all manner cloths called *freits*, to be made after the said feast, after their full watering ready to sale shall hold and contain twelve yards in length, and the inches after the measure aforesaid, and in breadth one yard within the lists, and throughout the length of the same, upon pain of cutting of the said freit in two pieces, and also to lose for the same freit xx. d.

The length
and breadth
of kerseys.

V. Also that every cloth called *kersey*, to be made and put to sale after the said feast, after the full watering ready to be put to sale, shall hold and contain in length eighteen yards, and the inches as is aforesaid, and in breadth one yard and a nail at the least, within the lists, upon pain of cutting of the said kersey in two pieces, and to lose for the same kersey iii. s. iv. d. (2) all the said pains, forfeitures, and losses to run upon the sellers of the said cloths, which shall be made contrary to this act; (3) and that every of the said whole cloths, half cloths, freits, and kerseys, be perfectly and duly made throughout from one end to the other.

Seals of lead
to seal cloth
for every city,
town, and
county, where
cloth is made.

VI. Also before the said feast, seals shall be provided and ordained by the treasurer of *England*, to be printed in lead, having the King's arms of *England* on the one side, and on the other side the arms, sign, or token of every city, borough, or town within the realm of *England*, where the cloth is made, having such arms, sign, or token for a mark, or an evident token and knowledge of the cloth made within every such city, borough, and town of this realm, and besides that seals for every county of this realm for the sealing of all manner of cloth made within every county, out of city borough, or town of the same county, shall have on the one side the King's arms, and on the other side the name of the county printed in the same. (2) And that the treasurer of *England* for the time being, or his deputy, after the said feast, shall make no person or persons to be aulnager, sealer, or keeper of the seal in any part of this realm, but such as be expert in making of cloth, of the sufficiency of an hundred pound at the least at the time of the said deputation; (3) and that no aulnager, sealer, or keeper of any seal to be provided as is aforesaid, after the said feast, shall seal any of the said whole cloths, half cloths, freits, or kerseys, but such as shall be only made after the same feast within the county, city, borough, or town where they shall be deputed aulnager, sealer, or keeper, upon pain to forfeit to our sovereign lord the King for every such whole cloth contrary sealed five marks, for every half cloth xxxiii. s. iv. d. for every freit xx. s. and for every kersey x. s.

Of what skill
and sufficiency
an aulnager
must be.

The aulna-
ger's penalty
for sealing
such cloths as
he ought not
to seal.

11 W. 3. c. 20.
f. 3.

Cloth shall not
be drawn nor
tentored after
watering.

VII. And that no person whatsoever he be, after the said feast, shall set nor draw, nor cause to be set nor drawn in length nor breadth, within this realm of *England*, any manner of woollen cloth, after that it be fully watered, by tentoring or otherwise, upon pain to forfeit the same cloth.

No deceitful
thing shall be
cast upon
cloth.

VIII. Also that no man, of what condition soever he be within the realm, after the said feast, shall set, cast, or put up-
on

on any manner of cloth any flocks, or any other like deceitful thing, upon pain of forty shillings for every cloth whereupon any such person shall cast any flocks or such other thing.

IX. Also that no cloth-maker, nor other person whatsoever he be, within the said realm, after the said feast, shall set or cast upon any white cloth or kersey, any chalk, upon like pain. No chalk shall be cast upon white cloth.

X. And that no sheerman nor other person, after the said feast, shall shear nor cancel any cloths within this realm, except such cloth be before fully watered, upon pain to forfeit xl. s. for every cloth, as often as he shall so do. No shearing of cloth not fully watered ;

XI. And that no person, stranger nor other, shall send or convey any woollen cloth over the sea, after the said feast, unless the same cloth be before fully watered ; and after that the same cloth be so fully watered, that then it shall in no wise be set nor drawn in length nor breadth, (2) upon pain of forty shillings for every cloth conveyed or sent over the sea contrary to this act. nor exporting it beyond sea.

XII. Also that no manner of person within this realm, after the said feast, retail any woollen cloth or cloths, lining, nor other, except it be fully watered before ; and after that it be fully watered, it shall in no wise be set or drawn in length or breadth, upon pain to forfeit the same cloth, or the value thereof : the same pain to run upon the seller of all such cloths. None to retail cloth not fully watered, nor to stretch it in the length or breadth.

XIII. Also our said sovereign lord the King, in eschewing of great falsity and deceit which hath grown, and daily doth grow by mean of tentors, by the assent and authority aforesaid, hath ordained and enacted, That no person, whatsoever he be, shall keep, have, or occupy any tentor, or any other thing, in his own house or place of his inhabiting, whereby woollen cloths may be in any wise drawn out in length or breadth, upon pain to forfeit twenty pounds as often as he shall do contrary to this act ; (2) but that all tentors hereafter shall be used or occupied for due stretching of cloth only, after that it cometh from the mill, and before it be rowen, and for none other cause, as well within the city of *London*, as other cities, boroughs, and towns of this realm, shall be set in open places ; (3) and that every mayor of *London* for the time being, and all other mayors and bailiffs, and other governors of cities, boroughs, towns, and villages, of this said realm, shall diligently survey and oversee that all cloths, which shall be put upon tentors, shall not be drawn out in length and breadth otherwise than is before rehearsed. None shall keep a tentor in his house.

XIV. Also that after the said feast, no stranger shall buy any wool which shall be sent, or shall pass through the streits of *Marock* by gallies, carracks, or ships, or other vessels, sorted, clacked, or barked, nor no wool whereof any locks or refuse shall be made ; but that the same wool be as it is clipped, and purely wound without deceit, and merchandisable, after the growing of the country, without any sorting, bearding, clacking of locks. Tentors shall be set in open places.

What sort of wool strangers may buy.

locks, or refuse thereof to be made, as afore is said, upon pain to forfeit the same wool, and the double value thereof.

No cloth shall
be dyed with
cork.

XV. Moreover, our said sovereign lord the King hath ordained and enacted by authority afore said, That no dyer, nor any other person, shall dye, or cause to be dyed within this realm, after the said feast, any woollen cloth with orchel, or cork called *Jarecork*, upon pain to forfeit and lose forty shillings for every cloth that he, or any other for him, or to his use, shall dye, or cause to be dyed. (2) Nor that any person after the said feast shall sell or put to sale, within this said realm, any such cloth, which after the said feast shall be dyed with orchel, or cork called *Jarecork*, upon pain of forfeiture of such cloth so dyed or put to sale contrary to this act; (3) this pain and loss always to run upon the seller, (4) except that cork made within this realm of *England* may be used in dying upon wool woded, and also in dying all such cloth which is made only of wool, so that the same wool woded and cloth be perfectly boiled and maddered.

The cloth and
the list shall
be dyed with
one colour.

XVI. Also that cork made in this realm may be put upon cloth that is perfectly boiled and maddered; (2) also that no dyer shall dye any cloth within this said realm, after the said feast, except the same dyer do dye the said cloth, and the list of the same, with one colour, without tacking or sewing of any bulrushes, or such like thing, upon the lists of the same, upon pain to forfeit xl.s. for every such cloth that he shall so dye contrary to this act; (3) and that no person, whatsoever he be, shall put to sale within this said realm, after the said feast, any manner of cloth, which after the same feast shall be deceitfully dyed, upon pain to forfeit the same cloth, or the value thereof; (4) the same forfeitures and pains always to run upon the seller.

Faulty cloth
shall be
brought to the
chief officer.

XVII. Also if any of the King's subjects, or any other hereafter, happen to seize any woollen cloth otherwise made or dyed than afore is said, then the same subject or other shall bring all the same cloth or cloths so by him seized, before the mayor, bailiff, or other governor of the cities, boroughs, towns, or villages where any such seizing shall happen to be made of the same cloth or cloths, there to judge by the discretion of the said mayor, bailiffs, or other governor, calling to him or them such persons as by his or their discretions shall be thought convenient, whether the same cloth be otherwise made, wrought, or dyed, than is according with the acts before recited; (2) and if it be judged by the said mayor, bailiff, or other governor, or other persons called to them or any of them, as afore is said, that the same cloth is made or dyed, and put to sale contrary to the afore said acts, then the same cloths so seized, and by them judged as is afore said, shall be equally cut in three pieces in the presence of the said mayor, bailiff, or other governor; (3) the one part thereof to be delivered in the exchequer by him or them that so shall seize the same cloth or cloths to the King's use,

The offenders
penalties, and
who shall have
them.

12 H. 7. c. 4.

use, and the second part thereof to be delivered to the seisor of the same cloth or cloths, and the third part thereof to be delivered to the said mayor, bailiff, or governor, to the use of the commonalty where they or any of them be mayor, bailiff, or governor; (4) the one half of all the other fines, forfeitures, and penalties aforesaid, and of every of them, to be to our sovereign lord the King, and the other half to him or them of the King's subjects that shall seise the same, or sue for the same by action of debt, by writ at the common law, or by bill or plaint after the custom of the city, town, or port where such fines, forfeitures, and penalties shall happen to fall or be; (5) and that the defendant in any such action be not admitted to wage or do his law; (6) nor that any protection or essoin of the King's service be allowed for any such defendant.

XVIII. Provided always, That this act, or any thing therein contained, extend not, or be prejudicial of or to the making of any woollen cloth called *Ray*, (2) nor of or to any cloth made in *Winchester* or *Salisbury*, used to be set and joined with ray. (3) A cloth thereof commonly used to be sold at forty shillings or within, (4) nor of or to the making of any cloth called *Vervise*, otherwise called *Plonkets*, *Turkins*, or *Celestrines*, with broad lists; (5) nor to any cloths called *Packing Whites*, (6) nor to the making of any cloths called *Vesses*, *Cogware*, or *Worstedes*, (7) nor of or to the making of any cloths called *Florences*, with cremil lists, nor of or to the making of any woollen cloth called *Sailing Ware* with cremil lists, broad lists, or small lists, (8) nor of or to the making of any woollen cloths called *Bastards*, (9) nor of any cloths called *Kendals*, nor of any cloth called *Prise Ware*, nor to any of them, nor to the maker or utterer of any of them.

Cloths whereunto this statute extendeth not.

XIX. So that the same cloths, and every of them for the King's honour, and profit of this realm, be truly, duly, and perfectly made, according to the nature and making of every of the said cloths.

12 H. 7. c. 4.
1 H. 8. c. 2.
3 H. 8. c. 6.

CAP. IX.

In what sort Italian merchants may sell merchandises. Several restraints of aliens.

ITEM, because our said sovereign lord the King, upon petition made to him in his said parliament by the commons of England, hath conceived and understood, That whereas merchants strangers of the nation of Italy, as Venetians, Genoese, Florentines, Apulians, Cicilians, Lucaners, Cataloins, and other of the same nation, in great number do inhabit and keep houses, as well in the city of London, as in other cities and boroughs within this his realm, and take warehouses and cellars, and therein put their wares and merchandises which they bring into this said realm, (3) and them in the said cellars and warehouses deceitfully do pack, mingle, and keep the same, till such time the prices thereof be greatly enhanced, for their great lucre, and the same merchandises and wares they then sell to all manner

The grievances done by merchants strangers to the king and his realm.

manner people, as well within the ports where they bring the said wares and merchandises, as to other divers and many places within this realm, as well by retail as otherwise; (4) and also do buy in the said ports and other places, at their own liberty, the commodities of this realm, and sell the same again at their pleasure within the same, as commonly and freely as any of the King's liege people doth, (5) and do not employ a great part of the money coming thereof upon the commodities of this realm, but make it over the sea by exchange to divers other countries, to the King's great damage in loss of his customs, and to the great impoverishing of his said subjects, of whom they should buy the commodities of this realm:

II. And the same merchants of Italy, and other merchants strangers be hosts, and take unto them people of other nations, and to sojourn with them daily, do buy, sell, and make privy and secret contracts and bargains with the same people, to their great increase and profit, and to the importune damage of the King's said subjects, and contrary to divers statutes in this case provided and ordained:

III. Also the said merchants of Italy do buy in divers places within this realm a great quantity of wool and woollen cloth, and other merchandises of the King's subjects, and part thereof they sell again to the same subjects and other within this realm, to their most advantage, and much of the said wools they do deliver to clothmakers, thereof to make cloth at their pleasure.

IV. Moreover, a great number of artificers and other strangers, not born under the King's obedience, do daily resort and repair to the city of London, and to other cities, boroughs, and towns of the said realm, and much more than they were wont to do in times past, (2) and inhabit by themselves in the said realm with their wives, children, and household, and will not take upon them any laborious occupation, as going to plough and cart, and other like business, but use the making of cloth and other handicrafts and easy occupations, (3) and bring and convey, from the parts beyond the sea, great substance of wares and merchandises to fairs and markets, and all other places of this realm at their pleasure, and there sell the same, as well by retail as otherwise, as freely as any of the King's subjects use to do, to the great damage and impoverishment of the King's said subjects, (4) and will in no wise suffer nor take any of the King's said subjects to work with them, but they take only into their service people born in their own countries, whereby the King's said subjects, for lack of occupation fall into idleness, and be thieves, beggars, vagabonds, and people of vicious living, to the great perturbation both of the King and of all his realm; (5) and when the merchants, artificers, and strangers before rehearsed, have gained within this realm, by buying and selling, or by such easy occupations and handicrafts, great substance of goods, with the same substance they go out of this said realm to such parts beyond the sea as them liketh best, and there spend the same goods oftentimes among the King's adversaries and enemies, to the great damage of our sovereign lord the King and his subjects, and impoverishment of this realm, and the commons of the same; and so by occasion of the premises, the substance of the inhabitants in the said cities, boroughs, and towns, now late hath fallen, and daily doth fall, into great poverty and decay,

say, to their great undoing, unless the King's gracious aid be to them in this behalf shewed.

V. Our said sovereign lord the King, of his abundant grace, willing against the premisses to provide remedy in this behalf, by the advice and assent of his lords spiritual and temporal, and at the prayer of the commons, in the said parliament assembled, and by authority of the same hath ordained, established, and enacted, That all merchants of the nation of *Italy*, before recited, not made denizens, which have now within this realm wares and merchandises brought from beyond the sea, and before the feast of *Easter* next coming shall have, shall cause the same to be sold or bartered in gross, and not by retail, to the King's subjects, before the first day of *May*, which shall be in the year of our Lord God one thousand four hundred fourscore and five, (2) and shall employ the money coming of that sale before the first day of *May*, within the same port or ports, where they do arrive, upon the commodities and merchandises of this realm, (their reasonable costs and expences always except and deducted) upon pain of forfeiture of the value as well of all the said wares and merchandises kept and not sold before the said first day of *May*, or otherwise sold than is above rehearsed, as of as much money as shall be made over by exchange contrary to this act. (3) And also that all the said merchants of *Italy*, which after the feast of *Easter* next coming shall bring any merchandises or wares into this realm to be sold, shall sell or barter the said wares and merchandises in gross, and not by retail, to the King's subjects, upon pain of forfeiture of the value of the same wares and merchandises, which they (as afore is said) shall bring after the said feast of *Easter*. (4) And the said merchants which shall bring in such wares and merchandises after the said feast of *Easter* to sell or barter, shall sell or else barter the same within eight months next after their first arrival in this realm, in the form afore said, and shall employ the money coming of or by the said sale or bartering, and every of them, and with the same buy the commodities or merchandises of this realm, within the said eight months, in the said port or ports where they do first arrive (the reasonable costs and expences always excepted and deducted) and in no wise to make over such money by exchange.

Italian merchants shall sell their merchandises in gross, and employ their money in the commodities of this realm.

Strangers shall sell their wares within eight months after their arrival, and employ their money, &c.

VI. And that the said merchants do in no wise sell nor barter within the said realm their said wares and merchandises, which remain unsold after the end of the said eight months, but carry and convey the same out of this realm within two months next ensuing after the said eight months, if wind and weather will suffer it, or otherwise as soon as wind and weather will serve them after the said two months, upon pain of forfeiture as well of as much money as shall be made over by exchange, as of the said wares and merchandises so sold or bartered after the end of the said eight months, not to be carried nor conveyed out of this said realm in the form afore said, or the value thereof. (2) The penalties, forfeitures, and losses of all the premisses always to run

Strangers may carry away so much as they cannot sell within eight months.

run and be upon the said merchants of the nation of *Italy* doing contrary to this act.

Strangers may remove their goods from one port to another.

A stranger shall not be host to a stranger, unless he be of his own country.

Aliens shall not buy and sell wool or woolen cloth within this realm; nor make woolen cloth, nor deliver wool to that end.

An alien shall not be an handicraftsman.
3 Mod. 94.

Aliens shall make no cloth within this realm.

Aliens shall sell their wares in gross, and not by retail.

VII. Provided always that it be lawful to the said merchants of the nation of *Italy*, all such wares and merchandises, and every parcel thereof, which after the feast of *Easter* next coming shall be brought to any other port or ports of this realm of *England* to be sold, to convey the same wares and merchandises at their liberties to any other port or ports, or other place within this realm, and there to sell the same as afore is said, so that they sell or barter the same merchandises and wares in the realm within eight months next after their first arrival in any of the said ports of this realm; (2) and also that no merchant stranger of what country soever he be, shall be host, or take to sojourn with him in the said realm any merchant or stranger, not being of his nation or country, upon pain of forty pounds.

VIII. Also that none of the said merchants of *Italy*, not made denizens, shall sell or barter any woolen cloths, wools, or other merchandises in this said realm, which the same merchants of *Italy* shall buy within this said realm; (2) nor that the same merchants, nor any other for them, shall deliver any wool to any person, thereof to make cloth in this realm, but shall have and convey the same woolen cloth, wools, and other merchandises, over the sea by the freights of *Marrack*, upon pain to forfeit the value of all the woolen cloths, wools, and other merchandises which by them shall be so sold or delivered, in whose hands they shall be found; (3) the forfeiture of the same to run and be upon the merchant stranger.

IX. Moreover, that no person not born under the King's obedience, as before is said, shall exercise or occupy any handicraft, or the occupation of any handicraftsman in this realm of *England*, but that all such persons which after the said feast of *Easter* shall come into this realm, and every of them, shall depart into their own country again, or else be servants to such of the King's subjects only as be expert and cunning in such feats, arts, and crafts, which the said strangers can occupy, (3) upon pain of forfeiture of all their goods which shall come and dwell in this realm contrary to this act, in whose hands soever they shall be found.

X. Also that no person not born under the King's obedience, nor made denizens, being artificer or handicraftsman, after the said feast of *Easter*, nor yet any other for him, or to his use, drape or make any cloth, or put any wool to work to make cloth of within the said realm of *England*, upon pain to forfeit the same cloth draped or made contrary to this act.

XI. Also that all persons not born under the King's obedience, being artificers, or handicraftsmen at the day of the making of this act, dwelling in this said realm, nor none other such artificers or handicraftsmen, which hereafter shall inhabit and dwell in the same, which after the feast of the *Annunciation* of our *Lady* next coming shall use, exercise, or occupy the feat of merchandise of any manner of wares within this realm, shall sell

sell or barter the same wares or merchandises in gross, and not by retail, in the port, town, or place where the same articles be, or shall be dwelling, and in none other place, upon pain of forfeiture of the value of all the wares and merchandises sold contrary to this act. (2) Also that no person not born under the King's obedience, inhabiting, dwelling, or holding any great house or chamber in this realm, and occupying any handicraft, or being artificer, or handicraftsman, after the said feast of the *Annunciation* of our *Lady* next coming, shall take any apprentice, servant, or any other person to work with him or to his use, unless it be his son or his daughter, other than at the said feast shall be apprentices or servants with him, except that the same apprentices or servants so to be taken be the King's subjects born, upon pain to forfeit and to lose for every apprentice or servant taken to the contrary xx. l. (3) the one half of all the said fines, forfeitures, and penalties, and of every of them, to be to the King, and the other half to be to him or them that will seize the same, or pursue for the same by action of debt, by writ at the common law, by bill or plaint, after the custom of the city or town where such fines, forfeitures, or penalties hereafter shall fall and be; (4) and that the defendant in any such action shall not be admitted to wage or do his law, (5) nor no protection nor essoin of the King's service shall be allowed such defendant in the same.

Aliens shall take no servant but the King's subject
5 El. c. 4.

Who shall have the forfeitures.

XII. Provided always that this act, or any part thereof, or any other act made or to be made in this said parliament shall not extend or be in prejudice, disturbance, damage, or impediment to any artificer, or merchant stranger, of what nation or country he be or shall be of, for bringing into this realm, or selling by retail or otherwise, any books written or printed, or for inhabiting within this said realm for the same intent, or any scrivener, illuminator, reader, or printer of such books, which he hath or shall have to sell by way of merchandise, or for their dwelling within this said realm for the exercise of the said occupations, this act or any part thereof notwithstanding.

Aliens may bring in books to be sold.
This proviso repealed by
25 H. 8. c. 15.
1 H. 7. c. 10.
2 H. 7. c. 8.
21 H. 8. c. 16.
22 H. 8. c. 13.
32 H. 8. c. 16.

CAP. X.

The statute of 22 *Edward* 4. c. 3. prohibiting wrought laces of silk to be brought into this realm, continued for ten years.

CAP. XI.

Ten bowstaves shall be brought into this realm for every butt of malmsey.

ITEM, It was shewed in the said parliament by the bowyers inhabiting within the cities, towns and boroughs of this realm, occupying artillery pertaining to the same for the defence of this realm, that whereas in times past good and able stuff of bowstaves hath been brought into this realm as well by English merchants as strangers, whereby the inhabitants bowyers might competently live upon such stuff,

4 Inst. 265i

which they bought at forty shillings the hundred, or forty six shillings eight pence at the most: (2) now it is so, that by the seditious conspiracy of the Lombards using to divers parts of this realm, the bowstaves be now at such an outrageous price, that is to say at eight pounds the hundred, where they were wont to be sold at forty shillings; (3) and also they will not suffer any garbling to be made of them, but sell good and evil at such an excessive price together ungarbled, that by likelihood in short time this realm is like to fail as well of stuff of artillery, as of workmen thereof, unless due remedy be in this behalf shortly found and had: (4) wherefore our said sovereign lord the King, by the assent of the said lords spiritual and temporal, at the prayer of the said commons, in the said parliament assembled, and by authority of the same, hath ordained, established, and enacted, That no merchant of Venice, nor other which useth to repair into this realm with merchandises of those parts, shall bring nor convey into this realm any merchandises, unless the same merchants do bring with every butt of malmsey, and with every butt of tyre, ten bowstaves good and able stuff, (5) upon pain of forfeiture of xiii. s. iv. d. for every butt of the said wines so brought and conveyed, and of the said number of bowstaves with the same butt; the one half of the same forfeiture to be to our sovereign lord the King, and the other half to the party which will therefore sue. (6) And that no such bowstaves be sold ungarbled, and but only to such person or persons which is or shall be born under the King's obedience. This act to begin and take effect at the feast of St. Michael next coming.

Ten bowstaves shall be brought into this realm for every butt of malmsey or tyre.

Bowstaves shall not be sold ungarbled.

6 H. 8. c. 11.

CAP. XII.

Certain merchandises prohibited to be brought into this realm ready wrought.

3 Ed. 4. c. 4.

ITEM, it was shewed in the same parliament by the artificers of the said realm of England, as well of the city of London, as of other cities, towns, boroughs, and villages of the same realm, that is to say, girdlers, pointmakers, pinners, pursers, glovers, cutlers, bladesmiths, blacksmiths, sparrriers, goldbeaters, painters, saddlers, lorriners, founders, cardmakers, hurers, wyremongers, weavers, horners, bottle-makers, and copper-smiths, that whereat they were wont in times past to be greatly set awork, and occupied in the said crafts for the sustenance of themselves, their wives, children, apprentices, and servants, and many other of the King's subjects; (2) now so it is, that by merchant strangers, denizens, and other, there is brought into these parts from beyond the seas, to be sold within this realm of England, as much wares as may be wrought and made by the artificers above rehearsed, that by reason thereof the people of strange countries, where the said wares be made, be greatly occupied and increased, and the said artificers in this realm greatly impoverished, and without the King's grace shewed to them in this behalf are like to be undone for lack of Occupation:

II. Our said sovereign lord the King considering the premisses, by the advice and assent of the lords spiritual and temporal,

poral, and at the prayer of his commons, in the said parliament assembled, and by authority of the same, hath ordained and provided, That no merchant stranger, after the feast of *Easter* next coming, shall bring into this realm of *England* to be sold any manner of girdles, nor harness wrought for girdles, points, laces, leather, purses, pouches, pins, gloves, knives, hangers, taylor's shears, scissors, and yrons, cupboards, tongs, fireforks, gridyrons, stocklocks, keys, hinges and garnets, spurrs, painted glasses, painted papers, painted forcers, painted images, painted cloths, beaten gold, or beaten silver, wrought in papers for painters, saddlers, saddle-trees, horse-harness, boots, bits, stirrups, buckles, chains, latten nails with iron shanks, turnets, standing candlesticks, hanging candlesticks, holy-water stopps, chaffing-dishes, hanging lavers, curtain-rings, cards for wool, (except *Raan* cards) clasps for gowns, buckles for shoes, broches, bells (except hawks-bells) tin and leaden spoons, ware of latten and iron, iron candlesticks, grates, horns for lanthorns, or any of the said wares made and wrought pertaining to the crafts above specified, or any of them, (2) upon pain to forfeit all the said wares so brought into this realm contrary to this act, or the value of the same, in whose hands they or any of them shall be found; the one half of such fines and forfeitures to be to the King, and the other half to him or them that shall seize or pursue for the same by action of debt, by writ or bill at the common law, or by bill or plaint, after the custom of the city or town where any such fines, forfeitures, and penalties shall hereafter happen to be or fall; (3) and that the defendant in such action be not admitted to wage or do his law; (4) nor that any protection or effoin of the King's service shall be allowed in the same for any such defendant.

Certain merchandises prohibited to be brought ready wrought into this realm to be sold.

§ El. c. 7.
13 & 14 Car. 2.
c. 13.

C A P. XIII.

The contents of vessels of wine and oil, which may not be sold till gauged.

TO the King our sovereign lord, shewen unto your Highness lamentably complaining your humble commons of this your present parliament assembled, in the name of themselves and of all your other humble commons of this your honourable realm, that whereas butts of wine, called *Malmsey*, were wont in great plenty to be brought into this your said realm to be sold before the twenty seven and twenty eight years of the reign of *Henry the Sixth*, late in deed and not of right king of *England*, and also in the same years, and then divers of the butts held in measure seven score gallons a piece, and divers held six score twelve gallons a piece, and the least of them held six score six gallons a piece, and then a man might buy and have of the merchants stranger, seller of the said *malmseys*, by mean of the said plenty of them, for l. s. or lii. s. iv. d. at the most a butt of such wine, he taking for his payment thereof two parts in woollen cloth wrought in this your said realm, and the third part in ready money: It is so, sovereign lord, that by the subtle and crafty means of such persons strangers as have

*the sale of such wines, the which have been made denizens with-
in this your said realm, have caused the butts of malmseys late-
wards brought into this your said realm to be sold, for to be sore
abregged and minished of the said measure so largely, that a butt
of their malmseys at this day scanty holden in measure five score
eight gallons; and besides that they knowing, as it seemeth, what
quantity of such wine may serve yearly to be sold within this your
said realm, where they were wont to bring hither yearly great
quantity and plenteously of such wine to be sold after the prices
aforesaid, of their craftyness use to bring no more hider now
in late days, but only as wolle scanty serve this realm a year,
wherethrough they have enbansed the price of the same wines to
eight marks a butt ready money, and no cloth, to the great en-
riching of themself, and great deceit, loss, hurt, and damage of
you, sovereign lord, and of all your commons of this your said
realm; in consideration of which hurts and damages aforesaid, and
for the reformation of the same, please it your highness, of your
most bounteous and benign grace, by the advice and assent of your
lords spiritual and temporal, and of your commons, in this your
present parliament assembled, for to ordain, enact, and establish in
this your present parliament, and by authority of the same: our
said sovereign lord the King, by the advice and assent of the said
lords spiritual and temporal, and at the supplication of the said
commons in the said parliament assembled, and by authority of the
same, hath ordained, established, and enacted, That no manner*

Confirmed by
28 H. 8. c.14.
f. 5.

The contents
of every ves-
sel of wine and
oil brought
into the realm
to be sold.

Vessels of
wine and oil
shall be
gauged.
27 Ed. 3. c.8.
Recompence
to be made to
the buyer for
short measure.

merchant or other person whatsoever he be, from the Feast of
Saint Michael the Archangel next coming, shall bring nor cause
to be brought into this realm, any butt of malmsey to be sold,
unless it do contain in measure at the least the said old measure of
a C.xxvi. gallons, (3) nor no vessels with any manner wines,
whoever they be, or of what country they be, nor no manner
of vessels of oil, unless the same vessels of wine or oil do con-
tain and hold the measure and assise following, that is to say,
every tun to contain twelve score and twelve gallons, and every
pipe to contain six score and six gallons, every tertian to contain
fourscore and four gallons, and every hoghead to contain sixty
three gallons, and every barrel to contain thirty one gallons and
an half, and every rundlet to contain eighteen gallons and an
half, according to the old assise and measure of the same vessels
used in this realm. (4) And that all the vessels of wine and oil
brought into this realm after the said feast to be sold, shall not
be put to sale after the same feast, till they be well and truly
gauged by the King's gauger, or his sufficient deputy, upon
pain to forfeit to the King all the said wines and oil sold con-
trary to this present ordinance, or else the value of the same.
(5) And in case that any person, of what country that he be,
from henceforth do sell to any of the King's liege people, for
any certain price assigned, any butt, tun, pipe, tertian, hog-
head, barrel, or rundlet of any manner wine or oil, lacking
any thing of the said assise or measure, that the seller shall allow
or rebate of the same price to the buyer of such wine or oil as

much

much money as such lacking after the rate shall amount to, upon pain to forfeit to our sovereign lord the King the value of all the wine and oil so sold contrary to this present ordinance; (6) any privy covenant or contract made or to be made betwixt the buyer and the seller contrary to this ordinance in any manner notwithstanding.

18 H. 6. c. 17.
11 H. 7. c. 4.

CAP. XIV.

Accomptants for dismes of the clergy not chargeable to answer other mens suits in the exchequer.

ITEM, Whereas the clergy of the provinces of Canterbury and York, have before this time divers times granted to the King's progenitors, in their convocations, Dismes to be levied of their goods and possessions, and after that they do appear before the barons of the King's exchequer, and the names of the collectors for the same grant be certified in the said exchequer, when the said collectors do appear before the barons of the exchequer, and enter into their account for the said Dismes, that then the said collectors be often charged, vexed, and troubled with bills put by other persons against them, for other causes and matters than touching the said account, and by occasion thereof oftentimes they fall to great poverty, and causeth the said account to be two or three years bating and the Dismes not contented, to the King's great damage, and the said collectors also:

II. It is therefore ordained and established by the King, his lords spiritual and temporal, and the commons, in this present parliament assembled, That from henceforth if any *Disme*, or any part of a *Disme*, be granted by the province of either of the said clergies, to the King our sovereign lord, or to his heirs, that after the said certificate returned into the exchequer for the *Disme* or part of the *Disme*, and of the names of the collectors for the gathering of the same *Disme*, that if the said collectors come by process before the said barons of the exchequer, and enter in their account, that they shall not be bound to answer to the said bill or bills there put against them, by reason of the said entry in their account, for any manner cause, but only for the matter touching the said account.

Accountants for dismes are not bound to answer other mens suits in the exchequer.

III. Provided always, That if the said accomptant be sued in any other court by writ, bill, or plaint, that then he shall take no privilege of the said exchequer, by reason of the said account for any suit, as before is rehearsed.

CAP. XV.

A resumption of all grants, and estates of lands, &c. made to *Elizabeth Grey* late Queen of England.

Thus End the Statutes made in the Reign of King RICHARD the Third.

Anno primo HENRICI VII.

Statutes made at *Westminster* in the first year of King HENRY VII. and in the year of our Lord 1485.

THE King our sovereign lord Henry the Seventh after the conquest, by the grace of God, King of England, and of France, and lord of Ireland, at his parliament holden at Westminster the seventh day of November, in the first year of his reign, to the honour of God and holy church, and for the common profit of his realm, by the assent of the lords spiritual and temporal, and the commons, in the said parliament assembled, and by authority of the said parliament, hath done to be made certain statutes and ordinances in manner and form following.

CAP. I.

An act to maintain a Formedon against the pignor of the profits of lands enfeoffed to use.

11 Co. 62.
F. N. B. 142.

A formedon shall be maintainable against the pignor of the profits.

St. 1 R. 2. c. 9.

4 H. 4. c. 7.

21 H. 6. c. 3.

4 H. 7. c. 24.

The tenant in the same action shall have aid prayer, voucher and other advantages.

The tenant shall have his age and other advantages.

Recoveries against the pignors of the profits, and their feoffees.

3 R. 3. c. 1.

27 H. 8. c. 10.

2.

FIRST, That where divers of the King's subjects having cause of action by *Formedon* in the descender, or else in the remainder, by force of any tail for lands and tenements, be defrauded and delayed of their said actions, and oftentimes without remedy, because of feoffments made of the same lands and tenements to persons unknown, to the intent that the demandants should not know against whom they shall take their actions: (2) It is ordained, established and enacted by the advice of the lords spiritual and temporal, and the commons in the said parliament assembled, and by authority of the same, That the demandant in every such case have his action against the pignor or pignors of the profits of the lands or tenements demanded, whereof any person or persons been enfeoffed to his or their use, (3) and the same pignor or pignors named as tenant or tenants in the said action, have the same vouchers, and their lieu thereupon, aid prayer, and all other advantages, as the same pignor or pignors should have had, if they were tenants indeed, or as their feoffees should have had, if the same action had been conceived against them. (4) And if it fortune any person to decease so having feoffees to the use of him or of his heirs, the said heir being within age, against whom such action is brought as pignor; then the same heir shall have his age in the said action conceived against him, and all other advantages, as if the ancestor had died seised of the said lands and tenements so in demand. (5) And also it is ordained by the said authority, That all recoveries as shall be in any such actions against such pignor or pignors, and their heirs, and their said feoffees and their heirs, and the co-feoffees of the said pignors and their heirs, shall be as good to the recoverers and their heirs, as though the said pignor or pignors were tenants indeed, or feoffees to their use, or their heirs, as is abovesaid, of the freehold of the said lands and tenements, at any time of the said action used.

CAP.

CAP. II.

Aliens made denizens shall pay such customs as they did before.

ITEM, Where in time past divers grants have been made by King Edward the Fourth, as well by his letters patents, as by acts of parliament, to divers merchants strangers born out of this realm, to be denizens, whereby they have and enjoy such freedoms and liberties, as do denizens born within this realm, as well in abatement of their custom, which they should bear if they were no denizens, as in buying and selling their merchandise, to their great avail and lucre; (2) and oftentimes suffer other strangers, not denizens, deceitfully to ship and carry great and notable substance of merchandise in their names, by the which the said goods be free of custom in like wise as they were goods of a denizen, where of right they ought to pay custom as the goods of strangers; by the which they be greatly advanced in riches and honour; (3) and after they be so enriched, for the most part they convey themselves with their said goods into their own countries, wherein they be naturally born, to the great impoverishing of this realm, and to the great hurt and defraud of the King's highness in payment of his customs. (4) Wherefore it is enacted, established, and ordained by the advice of the said lords spiritual and temporal, and commons, in the said parliament assembled, and by authority of the same, That any person made, or hereafter to be made denizen, shall pay for his merchandise like custom and subsidy, as he ought or should pay afore that he were made denizen; any letters patents, or other ordinances by parliament, or otherwise, contrary to this made notwithstanding.

Hut. 132.

Aliens made denizens shall pay such customs as they did before.

11 H. 7. c. 14.

21 H. 8. c. 16.

22 H. 8. c. 8.

Repealed as

to native commodities by

25 Car. 2. c. 6.

f. 1. and by

f. 2. explained

as to customs payable

by them.

CAP. III.

No protection shall be allowed in any court in Calais, or the marches thereof.

CAP. IV.

An act to punish priests, for incontinency, by their ordinaries.

ITEM, For the more sure and likely reformation of priests, clerks, and religious men, culpable, or by their demerits openly reported, of incontinent living in their bodies, contrary to their order: (2) It is enacted, ordained, and established, by the advice and assent of the lords spiritual and temporal, and the commons, in the said parliament assembled, and by authority of the same, That it be lawful to all archbishops and bishops, and other ordinaries, having episcopal jurisdiction, to punish and chastise such priests, clerks, and religious men, being within the bounds of their jurisdiction, as shall be convicted afore them by examination, and other lawful proof, requisite by the law of the church, of advowtry, fornication, incest, or any other fleshly incontinency, by committing them to ward and prison, there to abide for such time as shall be thought to their discretions convenient for the quality and quantity of their trespass; (3) and that none of the said archbishops, bishops, or other ordinaries

4 Inst. 329.

Priests and clerks shall be punished for incontinency by their ordinaries.

naries aforesaid, be thereof chargeable of, to, or, upon any action of false or wrongful imprisonment, but that they be utterly thereof discharged, in any of the cases aforesaid, by virtue of this act.

CAP. V.

An act shewing the duties of a cordwainer, tanner, and currier.

CAP. VI.

A pardon granted to all them who assisted the King in his wars against *Richard duke of Gloucester*.

CAP. VII.

An act shewing the penalty for hunting in the night, or with disguising.

Inconveniences ensuing by hunting in parks, &c. in the night, or disguised.

2 Roll, 120.

133.

3 Inst. 75.

Co. Lit. 370.

The penalties for hunting in the night, or with disguises, and to deny it being examined.

3 Ed. 1. c. 20.

ITEM, Forasmuch as before this time divers ordinances and statutes have been made in divers parliaments holden in the same realm, for the punishment of inordinate and unlawful huntings in forests, parks, and in warrens within the said realm, which statutes and ordinances notwithstanding, divers persons in great number, some with painted faces, some with visors, and otherwise disguised, to the intent they should not be known, riotously, and in manner of war arrayed, have oftentimes of late hunted, as well by night as by day, in divers forests, parks, and warrens in divers places of this realm, and in special in the counties of Kent, Surrey, and Suffex, (2) by colour whereof have ensued in times past great and heinous rebellions, insurrections, riots, robberies, murders, and other inconveniences, to the provocation and ensample of riotous and evil-disposed persons of this realm in so offending, which offences could not be punished before this time according to the said statutes, ordinances, and laws of this said realm, because that the said mis-doers, by reason of their painted faces, visors, and other disguisings could not be known: (3) The King our sovereign lord, of his noble and abundant grace, considering the premisses, by the advice and assent of the lords spiritual and temporal, and commons, in the said parliament assembled, and by authority of the same, ordaineth, That at every such time as information shall be made of any such unlawful huntings by night, or with painted faces, hereafter to be done, to any of the King's counsel, or to any of the justices of the King's peace of the county where any such hunting shall be had, of any person to be suspect thereof, that then it shall be lawful to any of the same counsel, or justices of peace, to whom any such information shall be made, to make a warrant to the sheriff of such county, or to any constable, bailiff, or other officer within the same county, to take and arrest the same person or persons of whom any such information shall be made, and to have him or them afore the maker of any such warrant, or any other the King's said counsel, or justice of his peace of the same county; (4) and that the said counsellor, or justice of peace, afore whom such person or persons shall be brought, by his discretion, have power to examine him or them so brought afore the said counsellor or justice, of the said hunting,

ing, and of the said doers in that behalf; (5) and if the same person wilfully conceal the said huntings, or any person with him defective therein, that then the same concealment be against every such person so concealing felony, and the same felony to be inquired of and determined, as other felonies within this realm have used to be; (6) and if he then confesses the truth, and all that he shall be examined of, and knoweth in that behalf, that then the said offences of huntings by him done, be against the King our sovereign lord, but trespass finable, by reason of the same confession, at the next general sessions of the peace, to be holden in the same county by the King's justices of the same sessions, there to be fessed. (7) And if any rescous or disobedience be made to any person having authority to do execution or justice by any such warrant, by any person the which so should be arrested, so that the execution of the same warrant thereby be not had, that then the same rescous and disobedience be felony, enquirable and determinable as is afore said. (8) And over this it is enacted and established by the said authority, That if any person or persons hereafter be convicted of any such huntings, with painted faces, visors, or otherwise disguised, to the intent they should not be known, or of unlawful hunting in time of night, that then the same person or persons so convict to have like punishment, as he or they should have, if he or they were convict of felony.

The penalty if the offender conceal the truth.

Rescous of an offender is felony.

Hunting disguised, or in the night, is felony.

9 H. 3. stat. 2. c. 10.

CAP. VIII.

No *Gascoin* or *Guien* wines shall be brought in, but by *English*, *Irish*, or *Welshmen*, and by their ships.

CAP. IX.

A reviver for twenty years of the statute of 22 Ed. 4. c. 3. restraining the bringing in of wrought laces, &c.

CAP. X.

Revocation of the penalties of King RICHARD'S act against Italians.

ITEM, The King our said sovereign lord, understanding by a supplication put unto his Highness in this his said parliament by the merchants of Italy, resident in this his said realm of England, that where by an act of parliament, made in the parliament of Richard late pretending him to be King of England the Third, holden at Westminster the first year of his reign, it was ordained and provided, That all merchants of the nation of Italy afore rehearsed, not made denizens, which then should have within this realm wares and merchandises brought from beyond the sea before the Feast of Easter then next ensuing, should do, sell, or barter them in gross, and not by retail, to the King's subjects afore the first day of May, that then should be in the year of our lord God M, CCCC, LXXXV. And the money coming of the sale, before the said first day, within the same port or ports where they arrived, employ upon the commodities and merchandises of this realm, their reasonable costs and expences alway except and deducted, upon pain of forfeiture of the value, as well of all the said wares and merchandises kept and not sold afore the

1 R. 3. c. 9.

the said first day, or otherwise sold then as abovesaid, and of so much money as should be made over by exchange contrary to the said act. And that all the said merchants of Italy, the which after the said Feast of Easter brought any merchandise or wares into this realm to be sold, should sell or barter the same wares and merchandises in gross, and not by retail, unto the King's subjects, upon pain of forfeiture of the value of the same wares and merchandises otherwise sold. And that the said merchants, their said wares and merchandises, which they should bring after the said Feast of Easter, should do, barter or sell the same within eight months next after the first arrival into this realm in form aforesaid: and the money coming of or by the said sale or barterings of them, and every of them, employ and therewith buy the commodities or merchandises of this realm of England within the said eight months, in the same port or ports where they should first arrive, their reasonable costs and expences alway except and deducted; and that they should in no wise make any such money over by exchange. And the said merchants, their said wares and merchandises remaining unsold after the end of the said eight months, in no wise should sell, nor barter within the said realm, but that they should carry and convey them out of the said realm, within two months then next following after the said eight months, if wind and weather will serve it, and else as soon as the wind and weather will serve them, after the said two months, upon pain of forfeiture as well of as much money as should be made out of the said realm by exchange, as of the said wares and merchandises so sold or bartered after the end of the said eight months, not carried nor conveyed out of this said realm, in form aforesaid, or the value thereof: the forfeitures, penalty, and loss of all the premises, to run and be upon the said merchants of Italy, doing contrary to this act. And also that no stranger, of what country soever he were, should host, or take to sojourn with him within this realm of England, any merchant stranger, not being of the same nation that he should be of, upon pain to forfeit and lose at every time that he so doth xl. li. And that no merchant stranger be at host nor sojourn with any other merchant stranger, not being of his nation or country, within the said realm, upon pain of xl. li. And that no stranger shall buy any wool, the which shall be sent or pass through the streights of Marrock, by gallies, carracks, or ships, or other vessels, sorted, clacked, or barbed, nor any wool, whereof locks or refuse should be made, but that the same wool should be as it were shorn, and clean wound, without any sorting, barking, or clacking, or locks or refuse thereof to be made, as it is aforesaid, upon pain of forfeiture of the same wool, and the double value thereof, as by the same act more plainly may appear. Also that the said merchants of Italy should have and convey their wool, woollen cloth, and all their other merchandises, over the streights of Marrock, upon pain of forfeiture of the same, as by the same act plainly appeareth. The King our said sovereign lord, by the advice of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, hath ordained, established, and do to be enacted, That the abovesaid forfeitures, penalties, seizure, and actions, comprised in the said acts, and

every of them, be revoked, void, annulled, and of no strength, against all manner of persons, except and reserved only to the King, to be at liberty, to have and enjoy all manner of seizures, forfeits, and penalties in the said acts specified: and that it be lawful to the King, to grant to his beseechers his letters of safe conduct, and letters patents, surely to be enjoyed, according to the tenors thereof, the abovesaid act and acts notwithstanding, in as ample wise as though they had never been had nor made.

The second parliament, holden in the third year of King HEN. VII.

THE King our sovereign lord Henry the Seventh, by the grace of God King of England and of France, and lord of Ireland, at his present parliament holden at Westminster the ninth day of November, in the third year of his reign, to the worship of God and holy church, and for the common wealth of this his realm, by the advice of his lords spiritual and temporal, and the commons in the present parliament assembled, and by authority of the same parliament, hath ordained and established certain statutes and ordinances, in manner and form as hereafter ensueth.

CAP. I.

The authority of the court of star-chamber. Where one inquest shall enquire of the concealment of another. A coroner's duty after a murder committed. A justice of peace shall certify his recognisances, &c.

FIRST, The King our said sovereign lord remembereth, how by unlawful maintenances, giving of liveries, signs and tokens, and retainders by indentures, promises, oaths, writings, or otherwise embraceries of his subjects, untrue demeanings of sheriffs in making of panels, and other untrue returns, by taking of money, by juries, by great riots, and unlawful assemblies, the policy and good rule of this realm is almost subdued, (2) and for the not punishing of these inconveniencies, and by occasion of the premisses, little or nothing may be found by inquiry, whereby the laws of this land in execution may take little effect, to the increase of murders, robberies, perjuries, and unfureties of all men living, and losses of their lands and goods, to the great displeasure of almighty God: (3) Therefore it is ordained, for reformation of the premisses, by authority of the said parliament, That the chancellor and treasurer of England for the time being, and keeper of the King's privy seal, or two of them, calling to them a bishop, and a temporal lord of the King's most honorable council, and the two chief justices of the King's bench, and common place, for the time being, or other two justices in their absence, upon bill or information put to the said chancellor for the King, or any other, against any person for any misbehaviour afore rehearsed, have authority to call before them by writ, or by privy seal, the said mis-doers, and them, and other by their discretion, by whom the truth may be known

3 Inst. 164.

The authority of the court of Star-chamber. Repeated by 16 Car. 1. c. 10.

An inquest charged to inquire of the concealment of another inquest.

to examine, and such as they find therein defective, to punish them after their demerits, after the form and effect of statutes thereof made, in like manner and form as they should and ought to be punished, as if they were thereof convicted after the due order of the law. (4) And over that it is ordained by the authority aforesaid, That the justices of the peace of every shire of this realm for the time being may take by their discretion and inquest, whereof every man shall have lands and tenements to the yearly value of forty shillings at the least, to inquire of the concealments of other inquests taken afore them, and afore other, of such matters and offences as are to be inquired and presented afore justices of peace, whereof complaint shall be made by bill or by bills, as well within franchise as without. (5) And if any such concealment be found of any inquest, as is afore-rehearsed, had or made within the year afore the same concealment, every person of the same inquest to be amerced for the same concealments, by discretion of the same justices of the peace, the said amerciaments to be fessed in plein sessions.

The causes why murders be committed.

(6) *Item, the King remembering how murders and slaying of his subjects daily do increase in this land, the occasions whereof be divers; one, That men in towns where such murders hap to fall and be done, will not attach the murderer, where the law of the land is, That if any man be slain in the day, and the felon not taken, the township where the death or murder is done, shall be amerced; (7) and if any man be wounded in peril of death, the party that so wounded should be arrested, and put in surety, till perfect knowledge be had, whether he so hurt should live or die: (8) and the coroner upon the view of the body dead, should inquire of him or them that had done that death or murder, of their abettors and consenters, and who were present when the death or murder was done, whether man or woman, (9) and the names of them that were present, and so found, to inrol and certify; (10) which law by negligence is disused, and thereby great boldness is given to slayers and murderers; (11) and over this it is used, that within the year and a day after any death or murder had or done, the felony should not be determined at the King's suit, for saving of the party's suit, wherein the party is oftentimes slow, and also agreed with, and by the end of the year all is forgotten, which is another occasion of murder. (12) And also he that will sue any appeal, must sue in proper person, which suit is long and costly, that it maketh the party appellant weary to sue. (13) For reformation of the premises, the King our sovereign lord, by the assent of the lords spiritual and temporal, and the commons, in the said parliament assembled, and by authority of the same, will that every coroner exercise and do his office according to the law, as is afore rehearsed; (14) and that if any man be slain or murdered, and thereof the slayers, murderers, abettors, maintainers, and comforters of the same, be indicted, that the same slayers and murderers, and all other accessaries of the same, be arraigned and determined of the same felony and murder, at any time, at the King's suit, within the year after the same felony and murder done,*

A coroner shall execute his office according to the law.

A murderer indicted shall be presently arraigned at the King's suit.

done, and not tarry the year and day for any appeal to be taken for the same felony or murder; (15) and if it happen any person named as principal or accessary, to be acquitted of any such murder at the King's suit, within the year and day, that then the same justices afore whom he is acquitted, shall not suffer him to go at large, but either to remit him again to the prison, or else let him to bail, after their discretion, till that year and day be passed; (16) and if it fortune the same felons or murderers and accessaries so arraigned, or any of them, to be acquitted, or the principal of the said felony, or any of them, to be attainted, the wife, or next heir to him so slain, as shall require, may take and have their appeal of the same death and murder within the year and day after the same felony and murder done, against the said persons so arraigned and acquitted, and all other their accessaries, or against the accessaries of the said principal, or any of them so attainted, or against the said principals so attainted, if they be on live, and the benefit of his clergy thereof before not had: (17) and that the appellant have such and like advantage, as if the said acquittal or attainder had not been, the said acquittal or attainder notwithstanding; (18) and over that the wife, or heir of the said person so slain or murdered, as the case shall require, may commence their appeal in proper person, at any time within the year after the said felony done, before the sheriff and coroners of the county where the said felony or murder was done, or before the King in his bench, or justices of gaol-delivery; (19) and the appellant in any appeals of murder or death of man, where battail by the course of the common law lieth not, may make their attorney, and appear by the same, in the said appeals after they be commenced, to the end of the suit, and execution of the same. (20) And if any person be slain or murdered in the day, and the murderer scape untaken, that the township where the said deed is so done, be amerced for the said escape, and that the coroner have authority to inquire thereof upon the view of the body dead; (21) and also justices of peace have power to inquire of such escapes, and that to certify afore the King in his bench; (22) and that after the felony found, the coroners deliver their inquisitions afore the justices of the next gaol-delivery, in the shire where the inquisition is taken, the same justices to proceed against such murderers, if they be in the gaol, or else the same justices to put the same inquisitions afore the King in his bench. (23) And forasmuch as coroners had not nor ought to have any thing by the law for their office doing, which oft-time hath been the occasion that coroners have been remiss in doing their office; (24) it is ordained, That a coroner have for his fee, upon every inquisition taken upon the view of the body slain xiii.s. iv.d. of the goods and chattels of him that is the slayer and murderer, if he have any goods, and if he have no goods, then the coroner have for his said fee, of such amerciements as shall fortune any township to be amerced for escape of such murderer as is aforesaid. (25) And if any coroner be remiss, See 1 H. 8. c. 7. and

3 Inst. 131, 213.
A murderer indicted and acquitted, shall not be let at liberty.

3 Mod. 156.
1 Salk. 63.
Kelyng, 25.

Appeal against him that was arraigned of murder.

Within what time, and before whom an appeal of murder shall be commenced. The appellant may make his attorney.

Raft. 53.
1 And. 68.

The coroner's fee upon the view of a body slain.

The penalty of a coroner being remis. A justice of the peace shall certify a recognisance by him taken, at the next sessions. So much of this statute as relates to liveries is repealed by 3 Car. 1. c. 4.

and make not inquisitions upon the view of the body dead, and certify not according as is afore ordained, that the coroner for every default forfeit to the King an hundred shillings. (26) And also it is ordained by the same authority, That every justice of peace within this realm, that shall take any recognisance for the keeping of the peace, that the same justice do certify, send, or bring the same recognisance at the next sessions of peace, where he is or hath been justice, that the party so bound may be called; (27) and if the party make default, the same default then there to be recorded, and the same recognisance, with the record of the default, be sent and certified into the chancery, or afore the King in his bench, or into the King's exchequer.

C A P. II.

The penalty for carrying a woman away against her will that hath lands or goods.

3 Ed. 1. c. 13.
3 Inst. 61.
1 Ventr. 243.
244.
1 Anderf. 115.
12 Co. 100.
Cro. Car. 483.
485, 488, 492.
Hob. 182.
Kel. 81.
Felony to carry away a woman against her will, that hath lands or goods, or is heir apparent to her ancestor.
By 39 El. c. 9. this offence is ousted of clergy.

ITEM, *Where women, as well maidens, as widows, and wives, having substances, some in goods moveable, and some in lands and tenements, and some being heirs apparent unto their ancestors, for the lucre of such substances been oftentimes taken by mis-doers, contrary to their will, and after married to such mis-doers, or to other by their assent, or defoiled, to the great displeasure of God, and contrary to the King's laws, and disparagements of the said women, and utter heaviness and discomfort of their friends, and to the evil ensample of all other:* (2) It is therefore ordained, established, and enacted, by our sovereign lord the King, by the advice of the lords spiritual and temporal, and the commons, in the said parliament assembled, and by authority of the same, That what person or persons from henceforth that taketh any woman so against her will unlawfully, that is to say, maid, widow, or wife, that such taking, procuring, and abetting to the same, and also receiving wittingly the same woman so taken against her will, and knowing the same, be felony; (3) and that such mis-doers, takers, and procurators to the same, and receivers, knowing the said offence in form aforesaid, be henceforth reputed and judged as principal felons. (4) Provided alway, That this act extend not to any person taking any woman, only claiming her as his ward or bond-woman.

C A P. III.

Justices of peace may let prisoners to bail. The sheriff shall certify the names of all his prisoners at the gaol-delivery.

ITEM, *Where in the parliament late holden at Westminster, the first year of Richard, late in deed, and not of right, King of England, the Third; it was ordained and enacted among other divers acts, That every justice of the peace in every shire, city, or town, should have authority and power, by his or their discretion, to let prisoners, and persons arrested for light suspicion of felony, to bail or mainprise; (2) by colour whereof afterward divers persons, such as were not mainpernable, were oftentimes letten to bail and main-*
prise,

3 Ed. 1. c. 15.

prise, by justices of the peace, against the due form of the law, whereby many murderers and felons escaped, to the great displeasure of the King, and annoyance of his liege people: (3) Wherefore the King our said sovereign lord considering it, by the advice and assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, hath ordained, established, and enacted, That the justices of peace in every shire, city, or town, or two of them at the least, whereof one to be of the *Quorum*, have authority and power to let any such prisoners, or persons mainpernable by the law, that have been imprisoned within their several counties, city, or town, to bail or mainprise, unto their next general sessions, or unto the next gaol-delivery of the same gaols in every shire, city, or town, as well within franchises as without, where any gaols have been or hereafter shall be; (4) and that the said justices of the peace, or one of them, so taking any such bail or mainprise, do certify the same at the next general sessions of the peace, or the next general gaol-delivery of any such gaol within every such county, city, or town, next following after any such bail or mainprise so taken, upon pain to forfeit unto the King, for every default thereupon recorded x. li. (5) And moreover it is enacted by the same authority, That every sheriff, bailiff of franchise, and every other person, having authority or power of keeping of gaol, or of prisoners for felony, in like manner and form do certify the names of every such prisoner in their keeping, and of every prisoner to them committed for any such cause, at the next general gaol-delivery, in every county or franchise where any such gaol or gaols have been, or hereafter shall be, there to be kalendred before the justices of the deliverance of the same gaol, whereby they may, as well for the King as for the party, proceed to make deliverance of such prisoners according to the law, (6) upon pain to forfeit unto the King for every default thereof recorded, C.s. (7) and that the foresaid act giving authority and power in the premisses to any justice of the peace by himself, be in that behalf utterly void and of none effect by authority of this present parliament.

1 R. 3. c. 3.
Justices of the peace may let a prisoner to mainprise, who is mainpernable.

Inforced by
1 & 2 Phil. & Mar. c. 13.

The sheriff shall certify the names of all prisoners in his custody to the justices of gaol-delivery.

A repeal of the stat. of
1 R. 3. c. 3.
touching bailing of prisoners.
Kelyng, 3,

C A P. IV.

All deeds of gift made to defraud creditors shall be void.

ITEM, That where oftentimes deeds of gift of goods and chattels have been made, to the intent to defraud their creditors of their duties, and that the person or persons that maketh the said deed of gift goeth to sanctuary, or other places privileged, and occupieth and liveth with the said goods and chattels, their creditors being unpaid: (2) It is ordained, enacted, and established by the assent of the lords spiritual and temporal, and at the request of the commons in the said parliament assembled, and by authority of the same, That all deeds of gift of goods and chattels made or to be made of trust, to the use of that person or persons that made the same deed of gift, be void and of none effect.

50. Ed. 3. c. 6.
2 R. 2. stat. 2.
C. 3.
13 El. c. 5.

All deeds of gift of goods to defraud creditors shall be void.

C A P.

C A P. V.

Rep. 11. H. 7. All bargains by the name of dry exchange, shall be void, where-
c. 8. & 37 H.
8. c. 9. by any certain sum shall be lost.

C A P. VI.

Rep. 37. H. 8.
c. 9.
Raft 45.

None shall make any exchange without the King's licence, or make exchange, or rechange of money to be paid within the land, but only such as the King shall depute thereunto, to keep, and make answer for such exchanges and rechanges upon the pain contained in 14 R. 2. c. 2. viz. upon forfeiture of the same. 25 Ed. 3. stat. 5. c. 12. 9. Ed. 3. c. 7. 18 Ed. 3. stat. 2. c. 6. All unlawful chevifance and usury shall be extirpate; all brokers of such bargains shall be set on the pillory, put to open shame, be half a year imprisoned, and pay twenty pounds.

C A P. VII.

A certificate shall be made of goods brought into one port and removed to another. One man shall not enter goods in the name of another.

A certificate of goods brought into one port, and customed, and then removed into another.

ITEM, The King our sovereign lord, by the advice and assent of the lords spiritual and temporal, and the commons assembled in the said parliament, and by authority of the same, hath ordained and enacted, That every merchant, as well denizen as stranger, which shall bring from henceforth any manner of goods into any port within this realm by way of merchandise, and there do enter the said goods or merchandises in the books of the customers of the said port where the goods and merchandises shall first come to, and the King's duty thereof, the said customers contented, or therefore with him agreed, and afterward that done, will convey or carry the same goods or merchandises from thence in any other port within the said realm: (2) that then the owner of the said goods and merchandises, his factor or attorney, shall bring from the customers of the port where the said goods or merchandises be so entered, a certificate under the same customers seals, directed to the customers of the port whereto the said goods or merchandises shall be conveyed or carried, making mention within the same certificate, as well of the natural colour, length, and value of all merchandises, so entered, used to be measured with eln or yard, as of the natural weight, content or valure of all manner of other merchandises, used to be weighed or valued: (3) and that the same certificate so made be delivered to the said customers, before the said goods be discharged, so that they may see whether the nature, colour or length, valure, content or weight of the same, do agree within the said certificate, so that the King be not deceived of his customs and subsidies thereof due. (4) And if any certificate from henceforth be made by any customer of any port whereto any such merchandises or goods shall be first brought, and there in their books entered, not making mention according as is afore said, that then the said customer or customers,

The penalty of a customer omitting his duty.

ers, for their misbehaving, shall lose their office, and make fine with the King for the same at his pleasure. (5) And furthermore, if any such goods or merchandises, or any parcel thereof be discharged, unpacked, or put to sale within any port then within the same where they shall be first entered, before the said certificate shall be delivered, and the same goods and merchandises seen according as above is expressed: that then all the said goods or merchandises be forfeited to the King our sovereign lord; the one half thereof to remain to his Highness, and the other half to him or them which shall prove any such goods or merchandises so forfeited. (6) And that the customer or customers, nor no deputy to any such common officer to whom such certificate shall come, take nothing for the sight of the same goods so certified: (7) also it is ordained and established by authority aforesaid, That no manner of merchant, denizen ne stranger, do take upon him to enter, or cause to be entered in the books of any customer of any port within this realm, any manner of merchandises coming into this said realm, or going out of the same, in any other merchant's name, saving only the name of the true merchant owner of the same, upon pain of forfeiture of all such goods and merchandises so entered: (8) and every of the said merchants, which so shall take upon him to cause such untrue entry to be made, to have imprisonment, and make fine therefore at the King's pleasure: (9) and that no person take upon him to be customer, comptroller or searcher in any port, in any city, borough or town, where he is common officer, nor no deputy to any such common officer, upon pain of forfeiture for every half year that he occupieth the said common office, and office of customership, comptroller or searcher, the sum of xl. li. the one half thereof to the King, and the other half to him that will sue for the writ, bill or information.

The forfeiture if the goods be sold before the certificate delivered.

No goods shall be entered in any other person's name but in the owners.

A common officer in a city, borough, &c. shall be no customer, comptroller or searcher there.

Rep. 1 H. 8. c. 9. Sec. 2.

1 Eliz. c. 11.

Goods shall be entered but in the owner's name.

C A P. VIII.

Merchants aliens, &c. and victuallers, shall imploy their money upon the merchandise of this realm.

ITEM, That where in the parliament of King Edward the Fourth, holden at Westminster the seventeenth year of his reign, it was ordained among other, That every merchant alien, and every other victualler, and other stranger, not being denizen, that resort to any place or port within this realm, or Wales, after the Feast of Easter then next following, should duly imploy all the money by him to be received within any port within this realm, or Wales, upon the merchandises or other commodities of this realm; (2) or else without fraud put the same money in due payment within this realm, the same employment or payment duly to be proved by the merchant, victualler, or other stranger, before his departing out of the same port, by writing from the merchant or merchants, to whom the said merchant alien, victualler, or other stranger, hath employed or paid his money by him received for his merchandises brought into this land, witnessing that he hath so done, or else by such proofs as shall be thought reasonable to the customer or comptroller of the same port, or

17 Ed. 4. c. 1.

to the mayor, bailiff, or other chief governors of any city, borough, or town where any such port shall be, (3) upon pain of forfeiture of all his goods being within this realm, and to have imprisonment of a year; (4) saving to every such merchant, victualler, and other stranger, his reasonable costs, with certain provisions in the same, as by the same act more at large doth appear: (5) which act was made to endure but only from the said Feast of Easter, to the end of seven years then next ensuing; so that no gold and silver received by merchants aliens, and other victuallers and strangers, not being denizens, for merchandise brought into this land, is not employed upon the commodities of this land, but conveyed and carried out of this realm, to the great loss of the King, in his custom and subsidy, and the impoverishing of this realm: (6) It is enacted, ordained, and established by the King our sovereign lord that now is, by the advice of the lords spiritual and temporal, and at the prayer of the commons, in the said parliament assembled, and by the authority of the same, That the said act made in the said seventeenth year of the reign of King Edward the Fourth, with all things comprised in the same touching the premisses, and every provision made in the same, be good, effectual, and endure for ever, (7) Also it is enacted by the said authority, That every merchant of Ireland, Jersey, or Guernsey, that bringeth any merchandises into this realm, shall employ the money received for the same merchandise (his reasonable expences deducted) upon the commodities of this land, or else without fraud put the same money in due payment within this realm; (8) the said employment or payment to be proved as is aforesaid, upon pain of forfeiture of the value of the merchandise so brought into this land. (9) And it is ordained by the said authority, That every customer or comptroller shall take sufficient surety of every of the said merchant, victualler, or other stranger, to employ the value of the said merchandises, or to put the same money for the said merchandises received in due payment, his reasonable expences always deducted, upon pain of forfeiture of the value of the said merchandises, the one half of the said forfeiture to the King, the other half to the party that will sue for the same. This to begin and take effect at the Feast of Christmas next coming.

A confirmation of the statute of 17 Ed. 4. c. 1. touching merchants aliens, who shall employ the money by them received upon the merchandises of this realm.
4 H. 4. c. 15.
27 H. 6. c. 3.
5 H. 4. c. 9.
continued for 20 years by
7 E. 6. c. 6.

C A P. IX.

Freemen of London may carry their wares to any fairs or markets.

HUMBLY shewen and prayen unto your Highness, your true and faithful commons of this your realm of England, That where the citizens and freemen of the city of London have used out of time of mind to go, carry, and lade their merchandise and ware unto all fairs and markets at their liberty out of the said city; now of late time the mayor, aldermen, and citizens of the city of London, have made and enacted an ordinance within the same city, upon a great pain, that no man that is a freeman or citizen of the said city, shall go or come to any fair or market, out of the same city of London, with any manner of ware or merchandise to sell or to barter, to
this

this intent, that all buyers and merchants should resort to the said city to buy their ware and merchandises of the said citizens and freemen of London aforesaid, because of their singular lucre and avail; which ordinance, if it should hold as is before expressed, shall be to the utter destruction of all other fairs and markets within this your realm, which God defend, for there be many fairs for the common weal of your said liege people, as at Salisbury, Bristol, Oxford, Cambridge, Nottingham, Ely, Coventry, and at many other places where lords spiritual and temporal, abbots, priors, knights, esquires, gentlemen, and your said commons of every county hath their common resort, to buy and purvey many things that be good and profitable, as ornaments of holy church, chalice, books, vestments, and other ornaments of holy church aforesaid, and also for household, as victual for the time of Lent, and other stuff, as linnen cloth, woollen cloth, brass, pewter, bedding, osmonds, iron, flax, and wax, and many other necessary things, the which might not be forboren among your said liege people; but, by the said ordinance, every man willing to buy any of the premisses, shall be courted to come to the said city of London, to their importable costs and charges, which, if the said act should endure, shall grow great hurt and prejudice to the common weal of this your realm, and shall cause many pernicious strifes and debates between your said liege people, and the said mayor, aldermen, and citizens in time to come, by the making of the said ordinance, the which is thought may not continue and stand with good charity, the premisses considered; wherefore it may please your said Highness most noble and abundant grace, in consideration of the hurt likely to grow of and by the premisses, that it may be enacted:

(2) The King our sovereign lord, in consideration of the hurt likely to grow of and by the premisses, hath by the advice and assent of the lords spiritual and temporal, and the commons, in the said parliament assembled, and by authority of the same, ordained, stablished, and enacted, That every freeman and citizen of the said city of London, that now is, or hereafter shall be, may lead, carry, and go with his or their victual, ware, or merchandise, whatsoever it be, at his or their liberty, to any fair or market that shall please him or them, within this realm of England; any statute, act, or ordinance, made or to be made within the said city of London to the contrary of the premisses notwithstanding; (3) and the said ordinance and act made in the said city shall be void and of none effect; (4) and that no person of the said city be hurt or prejudiced in losing of his liberty and franchise within the said city, or otherwise, by reason or occasion of adnulling and avoiding of the said ordinance and act, or for not obeying to the effect of the same. (5) And if any person be prejudiced in any wise by occasion of the same, he that putteth or causeth any person to such prejudice, shall lose and forfeit unto the King x.l. as often as he so doth; (6) and he that will sue for such forfeiture, shall have therefore an action of debt against such offender, the King to have execution of the one half, and he that sueth the other half; (7) and in such action the defendant be not admitted to wage his law.

Citizens and freemen of London may carry their wares to any fairs or markets.

C A P. X.

Costs, &c. awarded to the plaintiff, where the defendant sueth a writ of error.

1 Salk. 205.
Mod. cases
in law, 314.

The plaintiff
shall recover
costs and da-
mages where
the defendant
sueth a writ of
error before
execution.
Dyer, 77.
Cro. El. 588,
659.
Cro. Car. 145.
19 H. 7. c. 20.
Salk 205.
Raym. 134.

Co. pla. f. 2,
24, 162, 292.

ITEM, *That where oftentimes plaintiff or demandant, plaintiffs or demandants, that have judgment to recover, be delayed of execution, for that the defendant or tenant, defendants or tenants, against whom judgment is given, or other that been bound by the said judgment, sueth a writ or writs of error to adnul and reverse the said judgment, to the intent only to delay execution of the said judgment :* (2) it is enacted, ordained, and established, by the advice of the lords spiritual and temporal, and at the prayer of the commons, in the said parliament assembled, and by authority of the same, That if any such defendant or tenant, defendants or tenants, or if any other that shall be bound by the said judgment, sue, afore execution had, any writ of error to reverse any such judgment, in delaying of execution, (3) that then if the same judgment be affirmed good in the said writ of error, and not erroneous, or that the said writ of error be discontinued in the default of the party, or that any person or persons that sueth writ or writs of error, be non-sued in the same, that then the said person or persons, against whom the said writ of error is sued, shall recover his costs and damage for his delay and wrongful vexation in the same, by discretion of the justice afore whom the said writ of error is sued.

C A P. XI.

No cloth shall be transported until it be barbed, rowed, and shorn.

7 Ed. 4. c. 3.

ITEM, *Where in the said parliament it was shewed by shearmen, fullers, and other artificers, that should live and obtain their needy sustentation by mean of drapery made and draped within this realm, as well throughout the same realm, as within the city of London, that where in a statute made the seventh year of the reign of King Edward the Fourth, among other it is contained, That no person, denizen ne stranger, should carry, or do to be carried to any parties beyond the sea, any woollen yarn or cloth unfulled, but that the woollen yarn to be made in this realm should be woven in the same ;* (2) and also all cloth in the same made should be fulled and fully wrought within this realm, before that any of the same should be had or carried out of this realm, upon pain of forfeiture of the very valure of such yarn not weaved, and cloth not fulled, had or carried out of this realm ; (3) the one half of the forfeiture to be levied to the use of the King, and the other half to him or them that should spy, or make proof of any such yarn not woven, or cloth not fulled, carried to any place beyond the sea.

II. *And forasmuch as in the said statute of King Edward there is no exprefs mention made, that the said cloths should be rowed and shorn afore that they be carried and conveyed out of this realm, whereby the said poor commons of the crasts aforesaid might be set in labour and occupation;*

occupation; therefore the said cloths, ever sithence unto this day, have been, and yet daily are in great number carried out of this realm, unrowed, and unshorn, into the parts beyond the sea, as well by denizens as strangers, whereby outlandish nations, with the same drapery, are set in labour and occupation, to their great enriching, and the poor commons of the crafts abovesaid, through all this realm, that of natural reason, as the King's true liege men, should have and obtain their needful sustentation and living by means of the same drapery, for lack of such occupation daily fall in great number into idleness and poverty, to their uttermost destruction, if it should any longer continue: (2) the King our sovereign lord, by the advice of the lords spiritual and temporal, and at the prayer of the commons, in this said parliament assembled, and by authority of the same, hath ordained, established, and enacted, That no stranger nor denizen carry, or make to be carried out of this realm, any woolen cloths, but that they before be barbed, rowed, and shorn within the same realm, for the relief, and setting on work of the said poor commons, upon the pain and forfeiture limited in the said statute of King Edward, made upon cloth carried out of this land not fulfilled, to be divided in manner and form as in the same statute it is contained. (3) Provided alway, That cloths, called *vestes*, *Rays*, *Sailing Cloths*, and other cloths, commonly sold at forty shillings and under, be not comprised in this present act.

No woolen cloth shall be transported before it is barbed, rowed, and shorn, except Vesses, Rays, Sailing Cloths, &c.

By 5 H. 8. c. 3. & 27 H. 8. c. 13. white woolen cloth, &c. may be transported unshorn, &c. 33 H. 8. c. 19. 8 El. c. 6. 10 Ann. c. 16.

CAP. XII.

The King's officers or tenants shall not be retained by liveries with others. Rep. 3 Car. 1. c. 4.

CAP. XIII.

No long bow shall be fold over the price of iii. s. iv. d.

33 H. 8. c. 9. Rep. 8 El. c. 10.

CAP. XIV.

Conspiring to destroy the King, or any lord or counsellor, or great officer, shall be felony.

ITEM, Forasmuch as by quarrels made to such as have been in great authority, office, and of council with Kings of this realm, hath ensued the destruction of the Kings, and the undoing of this realm; (2) so as it hath appeared evidently, when compassing of the death of such as were of the King's true subjects was had, the destruction of the prince was imagined thereby, and for the most part it hath grown and been occasioned by envy and malice of the King's own household servants, as now of late such a thing was likely to have ensued; (3) and forso-much as by the law of this land, if actual deeds be not had, there is no remedy for such false compassings, imaginations, and confederacies had against any lord, or any of the King's council, or any of the King's great officers in his household, as steward, treasurer, and comptroller, and so great inconveniencies might ensue if such ungodly demeaning should not be straitly punished before that actual deed were done: (4)

3 Inst. 37, 38. 39.

therefore it is ordained by the King, the lords spiritual and temporal, and the commons, of the said parliament assembled, and by authority of the same, That from henceforward the steward, treasurer, and comptroller of the King's house for the time being,

ing, or one of them, have full authority and power to enquire by twelve sad and discreet persons, of the cheque-roll of the King's honourable houthold, if any servant admitted to be his servant in his house sworn, and his name put into the cheque-roll of his houthold, whatsoever he be, serving in any manner, office, or room, reputed, had, and taken under the state of a lord, make any confederacies, compassings, conspiracies, or imaginations, with any person or persons, to destroy or murder the King, or any lord of this realm, or any other person sworn to the King's council, or steward, treasurer, or comptroller of the King's house, (5) that if it be found afore the said steward for the time being, by the said twelve sad men, that any such of the King's servants as is abovesaid, hath confedered, compassed, conspired, or imagined, as is abovesaid, that he so found by that enquiry, be put thereupon to answer; (6) and the steward, treasurer, and comptroller, or two of them, have power to determine the same matter, according to the law: (7) and if he put him in trial, that then it be tried by other twelve sad men of the same houthold, and that such mis-doers have no challenge but for malice; (8) and if such mis-doers be found guilty by confession or otherwise, that the said offence be judged felony; and they to have judgment and execution as felons attainted ought for to have by the common law.

Co. Ent. 482,
374.

The third parliament, holden in the fourth year of the reign of King HEN. VII. *Anno Dom.* 1487.

TO the worship of God and holy church, and for the common weal and profit of this realm of England, our sovereign lord Henry by the grace of God King of England and France, and lord of Ireland, the seventh after the conquest, at his parliament holden at Westminster the thirteenth day of January, in the fourth year of his reign, by the advice and assent of the lords spiritual and temporal, and the commons, in the said parliament assembled, and by authority of the same, hath done to be made, ordained, and established divers statutes and ordinances in form as followeth,

CAP. I.

Exp. 6H. 6. c. 5.
8 H. 6. c. 3.
18 H. 6. c. 10.
23 H. 6. c. 9.
12 Ed. 4. c. 6.
6 H. 8. c. 10.

Commissions of sewers shall be made into all the parts of this realm, and to the marches of Calais, Guien, and Hammes, during twenty five years.

CAP. II.

Allaying of gold and silver, melting, selling, and marking the same.

ITEM, Whereas it was of old time used, and continued till now of late years, that there was for the weal of the King and the realm, finers and parters of gold and silver by fire and water, under a rule and order belonging unto the mints of London, Calais, Canterbury, York

York and Durham, and in other places where mints been holden, and at the goldsmiths hall in London, to fine and part all gold and silver belonging and needful for the said mints and fellowship of goldsmiths, for the amendment of money and plate of the realm, that every thing might be reformed to the right standard, as well in money as plate, to the least cost, for the weal of the King's noblemen of the land, and common people: (2) but so it is now, that such finers and parters of gold and silver by fire and water, dwelling abroad in every place of this realm out of the rules aforesaid, and buy gilt silver from the mints, changes, and goldsmiths, and part and fine it as is afore said, and for the most part of the silver so fined, they do allay it in divers manners, and sell it at their pleasures to every man of what estate or degree soever be he, that will buy of them, to make such works as pleaseth the buyers; (3) therefore men can get no fine silver when they need it for their money, for the amendment of money and plate, as hath been in times past; wherefore it causeth money and plate in divers places of the realm to be made worse in fineness than it should be, as it appeareth evidently in divers places, to the great hurt of the King's noblemen of the land, and common people: (4) wherefore the King our sovereign lord, by the assent of the lords spiritual and temporal, and of the commons, in the said parliament assembled, and by authority of the same, hath ordained, enacted, and established, That no finer of gold and silver, nor parter of the same by fire or water, from henceforth allay any fine silver or gold, ne none sell in any other wise, ne to any person or persons, but only to the officers of mints, changes, and goldsmiths within this realm, for augmentation and amending of coin and plate, as is aforesaid; (5) and that the masters of mints, changes, and goldsmiths, for all such fine gold or silver coming to them, to answer the value as it is worth, according as it is now and hath been in ancient time accustomed after the rate of fineness: (6) ne that no finer nor finers, parters nor parters, sell to no person, neither to one nor to other, any manner of silver into mass molten and allayed, upon pain of forfeiture of the same, the King thereof to have one half, and the finder that can prove, and will sue for it in the King's exchequer, the other half. (7) and if any finer or finers, parters or parters of gold and silver, either by fire or water, allay or sell any manner fine gold or silver, otherwise than it is ordained in this act, he or they to lose the value of the same gold or silver so allayed or sold; the King to have the one half, and the finder that can prove it, and will sue for it in the King's exchequer, the other half. (8) Also all such fine silver as shall be parted and fined as is aforesaid, that it be made so fine, that it may bear twelve penny weight of allay in a pound weight, and yet it be as good as sterling, and rather better than worse; (9) and that every finer put his several mark upon such fine silver, to bear witness of the same to be true, as is afore said, upon the pain of the value found contrary to be forfeit; the King thereof to have the one half, and the finder that can prove it, and will sue for it in the exchequer, the other half. (10) And that no goldsmith nor goldsmiths within this realm melt or allay any fine silver,

Allaying of gold and silver, and selling of the same.

Of what fineness silver ought to be.

A finer of gold and silver must put his mark upon it.

37 Ed. 3. c. 7.
18 El. c. 15.

For what purposes silver may be melted.

Silver molten into mass shall not be sold.

A repeal of patents of offices belonging to the mint.

silver, to be for works or any other intent, but only for making of amels, for divers works of goldsmithry, and for amending of plate to make it as good as sterling, or better, for the common weal of this realm.

II. Nor that they sell no fine silver, nor other silver allayed, molten into mass, to any person or persons whatsoever they be, nor one goldsmith to another. (2) This ordinance to be kept by the goldsmiths in every point, upon pain of forfeiture of the same silver, or the value thereof; the King thereof to have the one half, and the finder that can prove it, and will sue for it in the King's exchequer, the other half.

III. Also it is ordained by the same authority, That all letters patents and grants of offices belonging or pertaining to the mint of our sovereign lord the King, or exercised in the same, with fees and wages thereto belonging, be from henceforth void and of none effect.

C A P. III.

Butchers shall kill no beasts within any walled town, or Cambridge.

ITEM it was shewed by a petition put to the King our said sovereign lord, in the said parliament, by his subjects and parishioners of the parish of St. Faith's, and St. Gregory's in London, near adjoining unto the cathedral church of St. Paul's, That whereas great concourse of people, as well of his royal person, as of other great lords and states, with other his true subjects, oftentimes was had unto the said cathedral church of St. Paul's, and that for the most part throughout the parishes aforesaid, the which oftentimes been greatly annoyed and distempered by corrupt airs engendered in the said parishes, by occasion of blood, and other fouler things, by reason of the slaughter of beasts, and scalding of swine, had and done in the butchery of St. Nicholas's flesh-shambles, whose corruption and foul ordure, by violence of unclean, corrupt, and putrified waters, is borne down through the said parishes, and compasseth two parts of the palace, where the King's most royal person is wont to abide when he cometh to the cathedral church for any act there to be done, to the jeopardous abiding of his most noble person, and to over-great annoyance of the parishioners there, and of other the King's subjects and strangers that pass by the same; (2) complaint whereof, at many and divers seasons, also by the space of sixteen years continually, as well by the canons and petty canons of the said cathedral church, landlords there, as also by many other of the King's subjects of right honest behaviour, hath been made unto divers mayors and aldermen of the city of London, and no remedy had ne found; (3) that it may please our said sovereign lord, of his abundant grace, to provide for the conservation as well of his most royal person, as to succour his poor subjects and suppliants in this behalf, considering that in few noble cities and towns, or none within christendom, whereat travelling men have laboured, the common slaughter-house of beasts should be kept in any special part within the walls of the same, lest it might ingender sickness, unto the destruction of the people: (4) the King our sovereign lord, in consideration of the premises, hath,

hath, by the advice and assent of the lords spiritual and temporal, and the commons, of the said parliament assembled, and by authority of the same, ordained and enacted, That no butcher, nor his servant, slay no manner beast within the said house called the *Scalding-house*, or within the walls of *London*, upon pain to forfeit for every ox twelve pence, and every cow, and every other beast eight pence; (5) the one half thereof to the King our sovereign lord, and the other half to every of the King's lieges that will sue for the same by action of debt, and no protection or essoin be allowed to any of the defendants against whom any such action shall be conceived; and that in the same action of debt such process be made, as in other actions of debt sued at the common law. (6) And over this it is ordained and enacted by the said authority, That the said ordinance, act, and law, extend, and be observed and kept in every city, borough, and town, walled within his realm of *England*, and in the town of *Cambridge* (the towns of *Berwick* and *Carlisle*, except and foreprised.) Provided alway, That this present act begin and take effect at the feast of the *Annunciation* of our *Lady* next ensuing, and not afore.

Butchers shall kill no beasts in *London*, or in *Cambridge*, or any walled town, except *Berwick* and *Carlisle*.

CAP. IV.

Protections granted to them which then were, or after should be in the King's service in *Britain*. And certain immunities granted to the feoffees, executors, and heirs of them which shall die in that service. Exp. 7 H. 7. c. 2, & 3.

CAP. V.

A repeal of all letters patents granted to any spiritual persons to be discharged of the payment or collection of dismes. 7 H. 7. c. 6.

CAP. VI.

A repeal of all letters patents granted of any offices within the forest of *Ingle-wood*, saving to the lord *Dacres*, and earl of *Northumberland*.

CAP. VII.

Fees to the King's yeomen and grooms shall be no longer of force than whilst they do their duties.

CAP. VIII.

Whosoever shall sell by retail a broad yard of the finest scarlet grained, or other grained cloth of the finest making above xvi. s. or a broad yard of any other coloured cloth above xi. s. &c. shall forfeit xl. s. for every yard so sold. Rep. 21 Jac. 1. c. 28.

CAP. IX.

No hatter or capper, shall sell any hat above the price of xxd. the best, nor any cap above ii s. viiid. the best, upon pain to forfeit xl. s. for every hat or cap sold above. Rep. 3 H. 8. c. 15. & 21 Jac. 1. c. 28.

CAP. X.

Of wine and Tholouse woade.

ITEM, That where great minisbing and decay hath been now of late time of the navy of this realm of *England*, and idleness of the mariners within the same, by the which this noble realm within short 5 R. 2. stat. 1. c. 3. 6 R. 2. c. 8. 3 Ed. 4. c. 1.

7 H. 8. c. 2.
 23 H. 8. c. 7.
 32 H. 8. c. 14.
 5 & 6 Ed. 6.
 c. 18.
 Repealed by
 1 El. c. 13. &
 revived by
 5 El. c. 5. § 11.

process of time, without reformation be had therein, shall not be of ability nor of strength and power to defend itself. Wherefore the King our sovereign lord, by the advice of the lords spiritual and temporal, and at the prayers of the commons, in the said parliament assembled, and by authority of the same, hath ordained, established, and enacted, That no manner of person, of what degree or condition that he be, convey or bring into this realm, *Ireland, Wales, Calais*, or the marches thereof, or *Berwick*, from the feast of the nativity of Saint *John Baptist*, that shall be in the year of our Lord God M.CCCC.XC. any manner wines of the growing of the dutchy of *Guyen* or *Gascaine*, or woade called *Tholouse Woode*, but such as shall be conveyed, adventured, or brought in ship or ships, whereof our said sovereign lord, or some of his subjects of this his realm of *England, Ireland, Wales, Calais, or Berwick*, been owners, possessors, and proprietaries; and the same master under God, and the mariners of the same ship or ships, *Englisb, Irisb, or Welsh*, or men of *Berwick*, or men of *Calais*, or of the marches of the same, for the more party, upon pain to forfeit the same wines and woade so brought contrary to this act, the one half thereof to the King, and the other half to him or them that seifeth the same wine or woade.

II. And also hath ordained and stablished by the said authority, That no person inhabited within this realm, other than merchants strangers, from the feast of Saint *John*, freight nor charge within this realm or *Wales* any ship or other vessel of any alien or stranger, with any manner of merchandise, to be carried out of this realm or *Wales*, or to be brought into the same, if he may have sufficient freight in ships or vessels of denizens of this realm in the same port where he shall make his freight, upon pain to forfeit the same merchandises, the one half thereof to the King our sovereign lord, and the other half to him or them which seifeth the same merchandises.

III. Provided always, That this act extend not to any ship or ships, having any of the said wares or merchandises, constrained by tempest of weather or enemies to arrive in any port or place within this realm, so that the owners of the said wares and merchandises make thereof no sale within this realm, other than for victuals, or repairing of the same ship or ships, or tackling thereof, which they of necessity be compelled to make.

CAP. XI.

Exp. 4 Ed. 4.
 c. 4.
 37 H. 8. c. 15.
 5 & 6 Ed. 6.
 c. 7.

No person during ten years shall buy or take promise of bargain of any wool that shall grow in *Berks*, &c. before the *Assumption* of our lady next after the shearing thereof, but such as shall make yarn or cloth thereof; nor any merchant stranger before the *Purification* of our lady, &c. upon pain of forfeiture of the double value,

CAP. XII.

All justices of peace shall execute their commission, redress injuries, and maintain the laws.

ITEM the King our sovereign lord considereth, That by the negligence, misdemeaning, favour, and other inordinate causes of justices of peace in every shire of this his realm, the laws and ordinances made for the politique weal, peace, and good rule of the same, and for the perfect surety, and restful living of his subjects of the same, be not duly executed according to the tenor and effect that they were made and ordained for; (2) wherefore his subjects been grievously hurt, and out of surety of their bodies and goods, to his great displeasure; for to him is nothing more joyous than to know his subjects to live peaceably under his laws, and to increase in wealth and prosperity, (3) and to avoid such enormities and injuries, so that his said subjects may live restfully under his peace and laws, to their increase: (4) he will that it be ordained and enacted by authority of this said parliament, That every justice of peace within every shire of this realm, within the shire where he is justice of peace, do cause openly and solemnly to be proclaimed yearly four times a year, in four principal sessions, the tenor of this proclamation to this bill annexed; (5) and that every justice of peace being present at any of the said sessions, if they cause not the said proclamation for to be made in form above said, shall forfeit unto our sovereign lord at every time xx s.

4 Inst. 170.

Every justice of peace shall cause this proclamation to be made four times in the year.

II. HENRICUS Dei Gratia, &c. The King our sovereign lord considereth, how daily within this realm his coin is traiterously counterfeited, murders, robberies, felonies, been grievously committed and done, and also unlawful retainors, idleness, unlawful plays, extorsions, misdemeanings of sheriffs, echeators, and many other enormities and unlawful demeanings daily grown more and more within this realm, to the great displeasure of God, hurt and impoverishing of his subjects, and to the subversion of the policy and good governance of this his realm; for by these said enormities and mischiefs his peace is broken, his subjects troubled, inquieted, and impoverished, the husbandry of this land decayed, whereby the church of England is upholden, the service of God continued, every man thereby hath his sustenance, every inheritor his rent for his land: (2) for repressing and avoiding of the said mischief, sufficient laws and ordinances have been made by authority of many and divers parliaments holden within this realm, to the great cost of the King, his lords, and commons of the same, and lacketh nothing, but that the said laws be not put in due execution, which laws ought to be put in due execution by the justices of peace of every shire of this realm, to whom his grace hath put and given full authority so to do sith the beginning of his reign. (3) And now it is come to his knowledge, that his subjects be little eased of the said mischiefs by the said justices, but by many of them rather hurt than helped; and if his subjects complain to these justices of peace,

The benefit of husbandry.

The slackness of justices of peace in the due execution of the laws.

peace, of any wrongs done to them, they have thereby no remedy, and the said mischiefs do increase, and be not subdued. (4) And his grace considereth, That a great part of the wealth and prosperity of this land standeth in that, that his subjects may live in surety under his peace in their bodies and goods, and that the husbandry of this land may increase and be upholden, which must be had by due execution of the said laws and ordinances, chargeth and commandeth all the justices of the peace of this his shire, to endeavour them to do and execute the tenor of their commission, and the said laws and ordinances ordained for the subduing of the premisses, as they will stand in the love and favour of his grace, and in avoiding of the pains that be ordained if they do the contrary. (5) And moreover he chargeth and commandeth, That every man, what degree or condition that he be of, that let them in word or deed to execute their said authority in any manner form abovesaid, that they shew it to his grace; and if they do not, and it come to his knowledge by other than by them, they shall not be in his favour, but taken as men out of credence, and be put out of commission for ever. (6) And over this he chargeth and commandeth all manner of men, as well the poor as the rich (which be to him all one in due ministration of justice) that is hurt or grieved in any thing that the said justice of peace may hear, determine, or execute in any wise, that he so grieved make his complaint to the justice of peace that next dwelleth unto him, or to any of his fellows, and desire a remedy; (7) and if then he hath no remedy, if it be nigh such time as his justices of assises come into that shire, that then he so grieved shew his complaint to the same justices; (8) and if then he have no remedy, or if the complaint be made long afore the coming of the justices of assise, then he so grieved come to the King's highness, or to his chancellor for the time being, and shew his grief; (9) and his said highness then shall send for the said justices, to know the cause why his said subjects be not eased, and his laws executed; whereupon if he find any of them in default of executing of his laws in the premisses, according to his high commandment, he shall do him so offending to be put out of the commission, and further to be punished according to his demerits. (10) And over that, his said highness shall not let for any favour, affection, cost, charge, nor other cause, but that he shall see his laws to have plain and true execution, and his subjects to live in surety of their lands, bodies, and goods, according to his said laws, and the said mischiefs to be avoided, that his subjects may encrease in wealth and prosperity, to the pleasure of God.

Justices neglecting to execute their commissions, or any one obstructing them, liable to pains and the King's displeasure.

Persons grieved may complain to the justices of peace and, if they have no remedy, to the justices of assise, and then to the King or his chancellor.

The punishment of the justice found guilty of omitting his duty.

CAP. XIII.

Clergy shall be allowed but once. A convict person shall be marked with the letters M or T. A provision for them which be within orders.

ITEM, *Whereas upon trust of the privilege of the church, divers persons lettered have been the more bold to commit murder, rape, robbery, theft, and all other mischievous deeds, because they have been continually admitted to the benefit of the clergy as oft as they did offend in any of the premisses; (2) in avoiding such presumptuous boldness, it is enacted, ordained, and established by the authority of this present parliament, That every person, not being within orders, which once hath been admitted to the benefit of his clergy, eschoons arraigned of any such offence, be not admitted to have the benefit or privilege of his clergy: (3) And that every person so convicted for murder, to be marked with an M upon the braun of the left thumb; and if he be for any other felony, the same person to be marked with a T in the same place of the thumb, and those marks to be made by the gaoler openly in the court before the judge, before that such person be delivered to the ordinary. (4) Provided alway, if any person at the second time of asking his clergy, because he is within orders, hath not then and there ready his letters of his orders, or a certificate of his ordinary witnessing the same, that then the justices, afore whom he is so arraigned, shall give him a day by their discretion to bring in his said letters or certificate; (5) and if he fail, and bring not in at such a day his said letters, nor certificate, then the same person to lose the benefit of his clergy, as he shall do that is without orders.*

Clergy shall be allowed but once.
Hob. 288, 294.

A person convicted shall be marked with the letters M or T.
Rast. pla. f. 56.
Co. lit. 50.
Bro. Coron. 211.
If any person in orders ask his clergy, he shall produce his orders, or his ordinary's certificate.
28 H. 8. c. 1.

CAP. XIV.

Sealing of writings touching the earldom of March.

ITEM, *Where afore in the time of King Edward the Fourth, all feoffments, gifts, grants, demises, presentments, nominations, releases, warrants, and confirmations, made to any person or persons, of any castles, honours, manors, lands, and tenements, or other hereditaments, or advantages, parcel, or pertaining to the earldom of March, or pertaining to any manors, lands, tenements, or other hereditaments in demesne, or reversion, parcel, or pertaining to the said earldom of March, were made and passed under a special seal, named the seal of the marches, whereby is grown great vexation, trouble, and deceit of the subjects of the King our sovereign lord: (2) Wherefore it is enacted by the authority of this present parliament, That all feoffments, gifts, grants, demises, presentments, nominations, and all other writings whereto sealing is requisite, to be made after the feast of the purification of our Lady, in the fifth year of the reign of our sovereign lord that now is, of any parcel of the said earldom, be had, done, and made by the King our said sovereign lord, under the broad seal of his chancery, as it is used in all other things concerning the crown, by the course of the common law, and by none other seal.*

All writings of any parcel of the earldom of March shall be under the great seal.

CAP. XV.

The mayor of London and his successors, shall have the like conservation and authority in all the issues, breaches, and ground overflown, as far as the water ebbeth and floweth, grown out of the river Thames, as touching the punishments for using unlawful nets and engines, as be had with-in the said river.

Ex edit. Raft.
Mayor of
London.
Thames.

ITEM, where the mayor of the city of London, for the time being, is conservator, having the conservation of the water and river of Thames, from the bridge of Staines, unto the waters of Yendall and Medway: it is so that within few years, by tempest of weather and great abundance of waters in the said river of Thames, divers breaches, issues and creeks, have been and grown out of the said river of Thames, and by the same divers pastures, meadows, and grounds of divers persons been drowned and overflown: in which breaches issues and creeks, and ground drowned, the fry and brood of fish for the most part resteth, and in the same place the said fry and brood in great multitude daily is taken by the said fishers there, with unlawful engines and nets for bait of eels and cods, and also for the feeding of their hogs, to the utter destruction of the said fry and brood, without a remedy the rather be provided: The King our said sovereign lord by the advice of the lords spiritual and temporal, and at the prayers of the commons in the said parliament assembled, and by authority of the same, hath ordained, stablished, and enacted, That the mayor of London, and his successors mayors for the time being, have the conservation and rule, and like authority in every of the said breaches, issues, and creeks, and ground so drowned and overflown, as far as the water ebbeth and floweth, as touching the punishment for using of unlawful nets and other unlawful engines in fishing, like as he and his predecessors have or hath in the same water and river of Thames, within the bounds afore rehearsed: and to do all other like correction and punishment there concerning the reformation and redress of unlawful nets and engines, as he and his predecessors have used and ought to use in the said river of Thames. Provided alway, That the mayor of London, or his successors mayors for the time being, have not the conservation nor rule nor authority in any of the said breaches, issues, creeks and grounds so drowned and overflown within the King's ground, or being within any franchises of any person or persons spiritual and temporal, as touching the punishment for using of unlawful nets and other unlawful engines in fishing, nor to do any correction or punishment there concerning the reformation and redress of unlawful nets and engines, as the said mayor and his successors have used and ought to use in the said river of Thames.

4 Inf. 250.

Nets.

Breaches.
Creeks.

CAP. XVI.

The penalty of taking more farms than one in the Isle of Wight.

CAP. XVII.

The charges and benefit of the heir of Cestui que use.

ITEM, Where by an estatute made at *Marlbridge*, it was ordained, That when tenants made feoffments in fraud to make the lords of the fee to lose their wards, the lords should have writs to recover their wards against such feoffees, as in the said statute among other things appeareth more plainly at large: (2) Sith the making of which estatute many imaginations have been had and yet been used, as well by feoffments, fines and recoveries, as otherwise, to put lords from their wards of lands holden of them by knights service: (3) It is therefore ordained, established and enacted by authority of this present parliament, That the said statute of *Marlbridge* be observed and kept in all manner of things after the form and effect thereof. (4) And over, that it is ordained and enacted by the said authority, That if any person or persons, of what estate, degree or condition he or they be of, or hereafter shall be, seised in demean or reversion of state of inheritance, being tenant immediate to the lords of any castles, manors, lands and tenements, or other hereditaments holden by knights service in his or their demean, as of fee, to the use of any other person or persons, and of his heirs only, he to whose use he or they be so seised dieth, his heir being within age, no will by him declared, nor made in his life touching the premisses, or any of them: the lord of whom such castles, manors, lands, tenements and hereditaments been holden immediately, shall have a writ of right of ward, as well for the body as for the land, as the lord should have had, if the same ancestor had been in possession of that estate so being in use at that time of his death, and no such estate to his use made. (5) And if any such heir be of full age at the death of his ancestor, to pay relief, as his ancestor, whose heir he is, had been in possession of that state so being in use at time of his death, and no such estate to his use made or had. (6) It is also stablished and enacted by the said authority aforesaid, That such heir or heirs so being in ward, shall have like action of waste against the said lords, or against them in whose ward they so be, as they or any of them should have had, and recover such damages and such penalties to be to the said lord and guardians, as should have been if their ancestor had died thereof seised. (7) And moreover, if any such lord bring any such writ of right of ward against such person or persons, and be barred in the same: that then the same defendant or defendants shall recover damages against the said plaintiffs, for their wrongful vexation in the same. Provided always, that this act begin to take effect of the heirs of them that shall die after the feast of *Easter*, that shall be in the year of our Lord M.CCCC, lxxxv.

4 Inst. 196.
Co. Lit. 24. b.

The heir of
Cestui que use
holding his
lands by
knights ser-
vice within
age, shall be
in ward; and
of full age,
shall pay relief.
The heir shall
have an action
of waste a-
gainst his
guardian
committing
waste.
Damages for
the defendant
in a writ of
right of ward.
52 H. 3. c. 6.
1 R. 3. c. 7.
19 H. 7. c. 15.
23 H. 8. c. 10.
34 H. 8. c. 5.
12 Car. 2. c. 24.

Rep. 1 Ed. 6.
c. 12.
1 Mar. sess. 1.
c. 1.

CAP. XVIII.

The forging of the coin of other realms allowed to be current in this realm shall be treason.

CAP. XIX.

Rep. 39 El. c. 1.
& 21 Jac. 1.
c. 28.

The penalty for decaying of houses of husbandry, or not laying of convenient land for the maintenance of the same.

CAP. XX.

Actions popular, prosecuted by collusion, shall be no bar to those which be pursued with good faith.

The enormities of collusion practised in suing of actions popular.

ITEM, That where actions popular in divers cases have been ordained by many good acts and statutes afore this time made, for the reformation of extortions, maintenances, oppressions, injuries, exactions, and wrongs used and committed within this realm, (2) which actions been very penal to all misdoers and offenders in such actions condemned, and much profitable as well to the King, as to every of his subjects that them will sue and maintain, if the same actions so sued and commenced might be truly pursued without covin or collusion. (3) But now it is so commonly used within this realm, that if any such offenders offending in cases where any of the said actions lie, then the said misdoers or offenders, in eschewing to leese the said penalties, will cause an action popular to be commenced against them by covin of the plaintiff, upon that case wherein they have so offended; (4) or else if any such action popular be commenced against any such said offender by good faith, then the same offender will delay the said action, either by non-appearance or by traverse, and hanging the same action, the same offender will cause like action popular to be brought against him by covin, for the same cause and offence that the first action was sued, and then by covin of the plaintiff in that second action he will be condemned, either by confession, feigned trial, or release; (5) which condemnation or release, so had by collusion and covin, pleaded by the said offender, shall bar the plaintiff in the action sued in good faith; (6) and by these subtil means of collusion and covin the said good acts and statutes seldom been executed against such offenders which causeth them to be bolder to offend the King, as well in breaking of the said statutes, laws, and peace, as in robbing, murdering, exactions taking, quarrels maintaining, and the King's poor subjects by extortion and many other unlawful means oppressing: (7) Therefore the King our sovereign lord, in reforming of the premisses, by the advice and assent of the lords spiritual and temporal, and at the request of the said commons, in this said present parliament assembled, and by authority of the same, hath ordained, established, and enacted, That if any person or persons hereafter sue with good faith any action popular, and the defendant or defendants in the same action plead any manner of recovery of action popular in bar of the said action, or else that the same defendant or defendants plead, that he or they before that time barred any such plaintiff or plaintiffs in any such action popular, that then the plaintiff or plaintiffs in the action taken with good faith may aver, that the said recovery

Recovery in an action popular by covin, or a bar in the same, is no plea in an action sued with good faith.

in the said action popular was had by covin, or else to aver that the said plaintiff or plaintiffs was or were barred in the said action popular by covin, that then, if afterward the said collusion or covin so averred be lawfully found, the plaintiff or plaintiffs in that action sued with good faith, shall have recovery according to the nature of the action, and execution upon the same in like wise and effect, as though no such action afore had been had. (8) And moreover, that it is enacted and ordained by the authority aforesaid, That in every such action popular, wherein the defendant or defendants shall be lawfully condemned or attainted of covin or collusion, as is afore said, that every of the same defendants have imprisonment of two years by process of *capias* and outlagary, to be sued within the year after such judgment had, or at any time after, till the said defendant or defendants shall be had and imprisoned, as is afore said, and that as well at the King's suit, as of every other that will sue in that behalf: (9) And that no release of any common person hereafter to be made to any such party, whether before or after any action popular, or indictment of the same had or commenced, or made hanging the same action, be in any wise available or effectual to let or surcease the said action, indictment, process, or execution. (10) Provided alway, That no plaintiff or plaintiffs be in any wise received to aver any covin in any action popular, where the point of the same action, or else the covin or collusion, have been once tried, or lawfully found with the plaintiff or plaintiffs, or against them, by trial of twelve men, and not otherwise.

The punishment of the defendant attainted of collusion.

No release of a common person can discharge a popular action.

No collusion averrable where the point of the action hath been tried by verdict.

CAP. XXI.

An act that no engines shall be used for destroying the fry of fish **EXP.**
in *Orford* haven in *Suffolk*, upon pain of forfeiture of ten pounds for every offence. *To endure to the beginning of the next parliament.*

CAP. XXII.

If any person, before the next parliament, bring, or put to **EXP.**
sale any gold of *Venice*, *Florence*, or *Genoa* for a pound weight, which doth not contain xii. ounces, or that the gold packed be not in greatness of thread or colour wrought according to the outward shew thereof, he shall forfeit the same, or the value thereof. *To endure to the beginning of the next parliament.*

CAP. XXIII.

The statute provided 17 *Ed. 4. c. 1.* against the transporting of 1 *H. 8. c. 15.*
money, plate, or jewels, revived for twenty years.

CAP. XXIV.

How often a fine levied in the common pleas shall be read and proclaimed, and who then shall be bound thereby.

ITEM, Where it was ordained in the time of King Edward the 17 *Ed. 1. stat. 1.*
First, by the statute de finibus, that notes and fines to be levied *c. 1.*
in the King's court afore his justices should be openly and solemnly read, Explained by
and that pleas in the mean time should cease, and this to be done by 32 *H. 8. c. 36.*
1 *Leon. 77.*

2 Anderf. 109,
114.
Savil, 85, 88,
105.

3 Bulst. 152.
1 Roll, 153,

157, 171.
2 Roll, 245,

325, 342, 374,
402, 417, 500,
501.

7 Co. 32.

34 Ed. 3. c. 16.
Proclamations
of fines.

Who shall be
concluded by
the fine, and
who not.

31 El. c. 2.
Copla. f. 16.

Plowd. 1. 246.
Dyer, f. 181,

216, 234, 246,
254.

Bro. Taile, 2.

3 Co. 51, 77, 84.
Skinner, 95.

Hob. 332, 333,
334.

Th. Jones,
242, 243, 244.

Co. Lit. 372. 2.
262. a. 266. b.

19 H. 8. f. 7.
Plowd. 358,

360.
Dyer, 72, 337,

374.
5 Co. 123.

9 Co. 104.
11 Co. 69, 71.

Dyer, 3, 133,
224.

Co. pl. 222, 326.
1 Anderf. 171.

1 Leon. 113.
2 Leon. 257.

3 Leon. 10, 227.
7 Co. 32.

9 Co. 140.
8 Co. 101.

3 Leon. 221.
Dyer, f. 71.

Bro. Fines lev.
123.

3 Co. 84, 91.
4 Co. 125.

1 Anderf. 303.
1 Roll, 167.

3 Inst. 216.

two days in the week, after the discretion of the justices, as in the said statute more plainly appeareth : The King our sovereign lord considereth, That fines ought to be of the greatest strength to avoid strifes and debates, and to be a final end and conclusion; and of such effect were taken afore a statute made of non-claim, and now is used to the contrary, to the universal trouble of the King's subjects, will therefore it be ordained, by the advice of the lords spiritual and temporal, and the commons, in the said parliament assembled, and by the authority of the same, That after the ingrossing of every fine to be levied after the feast of *Easter*, that shall be in the year of our Lord M.CCCC.XC. in the King's court, afore his justices of the common place, of any lands, tenements, or any other hereditaments, the same fine be openly and solemnly read and proclaimed in the same court the same term, and in three terms then next following the same ingrossing in the same court, at four several days in every term; and in the same time that it is so read and proclaimed, all pleas to cease. (3) And the said proclamations so had and made, the said fine to be a final end, and conclude as well privies as strangers to the same, except women covert (other than been parties to the said fine) and every person then being within age of xxi. years, in prison, or out of this realm, or not of whole mind at the time of the said fine levied, not parties to such fine; (4) and saving to every person or persons, and to their heirs, other than the parties in the said fine, such right, title, claim, and interest, as they have to or in the said lands, tenements, or other hereditaments, the time of such fine ingrossed; so that they pursue their title, claim, or interest by way of action, or lawful entry, within five years next after the said proclamations had and made: (5) And also saving to all other persons such action, right, title, claim, and interest in or to the said lands, tenements, or other hereditaments, as first shall grow, remain, or descend, or come to them after the said fine ingrossed and proclamation made, by force of any gift in the tail, or by any other cause or matter had and made before the said fine levied; so that they take their action, or pursue their said right and title, according to the law, within five years next after such action, right, title, claim, or interest to them accrued, descended, remained, fallen, or come: (6) And that the said persons and their heirs, may have their said action against the pignor of the profits of the said lands and tenements, and other hereditaments, at the time of the said action to be taken. (7) And if the same persons, at the time of such action, right, and title accrued, descended, remained, or come unto them, be covert de baron, or within age, in prison, or out of this land, or not of whole mind, then it is ordained by the said authority, That their action, right, and title, be reserved and saved to them and their heirs, unto the time they come and be at their full age of xxi. years, out of prison, within this land, uncovert, and of whole mind, so that they, or their heirs, take their said actions, or their lawful entry, according to their right and title, within

five years next after that they come and be at their full age, out of prison, within this land, uncovert, and of whole mind, and the same actions pursue, or other lawful entry take, according to the law. (8) And also it is ordained by the authority aforesaid, That all such persons as be covert de baron, not party to the fine, and every person being within age of xxi. years, in prison, or out of this land, or not of whole mind, at the time of the said fines levied and ingrossed, and by this said act afore except, having any right or title, or cause of action, to any of the said lands and other hereditaments, that they, or their heirs, inheritable to the same, take their said actions or lawful entry according to their right and title, within five years next after they come and be of age of xxi. years, out of prison, uncovert, within this land, and of whole mind, and the same actions sue, or their lawful entry take and pursue, according to the law. (9) And if they do not take their actions and entry as is aforesaid, That they and every of them, and their heirs and the heirs of every of them, be concluded by the said fines for ever, in like form as they be that be parties or privies to the said fines: (10) Saving to every person or persons, not party nor privy to the said fine, their exception to avoid the same fine, by that, that those which were parties to the fine, nor any of them, nor no person or persons to their use, ne to the use of any of them, had nothing in the lands and tenements comprised in the said fine at the time of the said fine levied. (11) And it is ordained by the said authority, That every fine that hereafter shall be levied in any of the King's courts, of any manors, lands, tenements, and other possessions, after the manner, use and form, that fines have been levied afore the making of this act, be of like force, effect, and authority, as fines so levied be or were afore the making of this act; this act, or any other act in this present parliament made or to be made notwithstanding. (12) And every person shall be at liberty to levy any fine hereafter at his pleasure, whether he will after the form contained and ordained in and by this act, or after the manner and form aforesaid used.

Bro. Fines
lev. 109.

1 Mar. sess. 2.
c. 7.

The fourth parliament, bolden at Westminster on Monday the seventeenth day of October in the seventh year of the reign of King HENRY VII.

C A P. I.

The penalty of a captain or soldier retained to serve the King in his intended wars, not doing their duties.

FOR as much as it is notoriously known, that the King to his great costs and charges, hath sent his ambassadors to Charles his adversary of France, to have had a convenient peace with him, and to have his right without effusion of christian blood, which was

3 Inst. 86.
6 Co. 27. 2.
3 Mod. 124.

refused; (2) wherefore the King, by the grace of God, in whose hands and disposition resteth all victory, hath determined himself to pass over the sea into his realm of France, and to reduce possession thereof by the said grace to him, and to his heirs, Kings of England, according to his rightful title, whereby he trusteth not only to bring this his realm to the ancient fame and honour, but also to enrich, and set in perfect peace and tranquillity his subjects of the same, trusting that thereby the more part of all christian realms shall be in more perfect peace and tranquillity, and the better disposed to serve God; which cannot be done by all likelihood without battle, as well on the sea, as in other places beyond the sea, wherein Almighty God must be judge, in whose defence, mercy, and goodness, the King putteth his full trust above all other things; (3) howbeit, many times, by the inordinate covetise of captains retained with princes afore this time, great part of the number of soldiers, for whom such captains have indentured with princes, at time of need have lacked of their number of soldiers, whereby great jeopardies have ensued, and irrecoverable damages thereby may ensue, if remedy be not therefore foreseen and had:

The penalty of a captain which shall not have the whole number of his soldiers, or not pay them their wages.
3 H. 8. c. 5.

The captain shall pay to his soldiers their wages within six days after the receipt thereof.
Cro. Car. 71.

It shall be felony for a soldier to depart without licence.
18 H. 6. c. 19.
2 & 3 Ed. 6. c. 2.

(4) Be it therefore ordained by the authority of this present parliament, That if any captain be retained, or hereafter shall be, to serve the King on the sea, or beyond the sea in feat of war, which hath not his or their whole and perfect number of men and soldiers, according as he shall be retained with the King, or give not them their full wages without shorting as he shall receive of the King for them, except for jackets for them that receive land-wages, that is to say, vi. s. viii. d. for a yeoman, and xiii. s. iv. d. for a gentleman, for a whole year, he shall for such default forfeit to the King all his goods and chattels, and their bodies to prison.

II. And that every captain, petty captain, and all other having under them retinue of any soldier or soldiers at the King's wages, shall, upon the pain aforesaid, pay to their retinue of soldier or soldiers, and every of the same, their wages rateably as is allowed unto them by the King our sovereign lord, or the treasurer of his wars, without lessening or withdrawing any part thereof; (2) and for as long time as they shall receive wages for them, this payment unto the said retinues, and every soldier of the same, of their captains and petty captains, always shall be within six days next and immediately after that the said captain, petty captain, or other shall have received their wages of the King, or of the treasurer of his wars, or their lords or masters. (3) And if any soldier, being no captain, immediately retained with the King, which hereafter shall be in wages and retained, or take any preft, to serve the King upon the sea, or upon the land beyond the sea, depart out of the King's service without licence of his captain, that such departing be taken, deemed, and adjudged felony, and that he so offending suffer for the said offence punishment and execution of felony. (4) And forasmuch as his offence stretcheth to the hurt and jeopardy of the King our sovereign lord, the nobles of the realm, and of all the common weal thereof, that therefore he or they

so offending enjoy not the benefit of his clergy. (5) And that it be ordained by the said authority, That all the justices of the peace in every shire of *England*, whereas any such offenders be taken, have power to inquire of the said offences, and the same to hear and determine, as they do and may do of felonies, trespasses, and of other offences expressed in the King's commission to them made, as though the said offences were done in the same shire. (6) And also that the said departing of such soldiers, and also their retainers, if it be traversed, be tried in the same shire where they be for such cause arrested and arraigned. (7) Provided alway, That no captain be charged by this act for lack of his number retained, as is abovesaid, whose soldiers shall hap to die, or otherwise depart, not in the default of the captain; so that the said captain, if he be at landwages, shew the departing or lacking of his soldier, within ten days after the lacking of the said soldier, unto the treasurer of the wars; or if the captain be at sea-wages, he shew the departing or lacking of the said soldier, so lacking, to the admiral of the navy where he is retained, at next meeting with the said admiral.

Justices of peace may enquire of, hear, and determine the offences of soldiers departing without licence.

The captain shall not be charged for the soldiers offence.

6 Co. 27.

CAP. II.

Every person that shall be in the King's wages beyond the sea, or on the sea, shall have a protection, and no descent shall prejudice him, and by his writing he may make his attorney to enter into lands descended unto him, to attorn, &c.

Exp. 3 H. 8. c. 4.

CAP. III.

They that do go with the King in his wars, may make feoffments of their lands to the use of their wills without licence, and they shall have their own liveries, and authority to dispose the wardship of their heirs.

Exp. 3 H. 8. c. 4.

CAP. IV.

Weights and measures shall be made of brass, and sent to the chief officers of every city, borough, &c.

Altered by 11 H. 7. c. 4. 12 H. 7. c. 5.

CAP. V.

Riens deins le gard shall be no challenge upon any issue to be tried in London.

PRAYEN the commons in this present parliament assembled, That where of long time used in any issue to be tried within the city of London, a challenge, commonly called Riens deins le gard, hath been admitted for a good challenge, so that no issue could be tried in any ward, without that there were four sufficient persons of livelivood to the yearly value of xl. s. above all charges within the same city and dwelling, or having any livelivood within the same ward; (2) and it is so now (the cause God knoweth why) that there is no ward, or else but few, and in special in plea of land, that any plaintiff or demandant can have sufficient trial in this matter, as evidently is known, for cause of the challenge aforesaid; for in the most part of wards, as now, there be none sufficient, and if any be, there are no officers that dare summon them, or else if they be summoned, they will not appear, their honour is so great, and their amerciament so little: (3) That it please your

abundant

*Riens deins le
gard shall be
no challenge
upon any issue
to be tried in
London.*

abundant grace, by the advice of the lords spiritual and temporal, and by the authority of this present parliament, to ordain, and for the common wealth of your true subjects, establish, and enact, That from henceforth the challenge commonly called *Riens deins le gard*, be no challenge but utterly void, and of none effect; saving to every person all manner of other challenges, whatsoever they be, according to the law.

CAP. VI.

Exp. 4 H. 7.
c. 5.

Letters patents made to several spiritual persons to be discharged of *Dismes*, and *Quinzimes*, shall extend no further than they did in the time of King Edw. IV.

CAP. VII.

Rep. 4 Jac. 1.
c. 1.

All *Scots*, not made denizens, shall depart this realm within forty days after proclamation, upon pain of forfeiture of all their goods.

CAP. VIII.

EXP.

Every butt of malmsey shall contain Cxxvj. gallons, and every merchant stranger shall pay for custom xviii. s. a butt, besides the old custom, and no butt shall be sold for above iv. li. which new imposition shall be until the *Venetians* abate their new impositions of iv. ducats at *Candy*.

Statutes made at *Westminster*, Anno 11 HEN. VII,
and *Anno Dom.* 1494.

THE King our sovereign lord Henry the Seventh after the conquest, by the grace of God King of England and of France, and lord of Ireland, at his parliament holden at Westminster the fourteenth day of October, in the eleventh year of his reign, to the honour of God and holy church, and for the common profit of the realm, by the assent of the lords spiritual and temporal, and the commons, in the said parliament assembled, and by authority of the said parliament, hath done to be made certain statutes and ordinances, in manner and form following.

CAP. I.

None that shall attend upon the King and do him true service shall be attainted, or forfeit any thing.

3 Inst. 7.
7 Hales, H.P.C.
101, 102.
1 Hawk.P.C.
36.
Kelyng. 14, 15.

THE King our sovereign lord, calling to his remembrance the duty of allegiance of his subjects of this his realm, and that they by reason of the same are bound to serve their prince and sovereign lord for the time being, in his wars, for the defence of him, and the land, against every rebellion, power, and might, reared against him, and with him to enter and abide in service in battle, if case so require; (2) and that for the same service what fortune ever fall by chance in the same battle against the mind and will of the prince (as in this land some time passed hath been seen) that it is not reasonable, but

but against all laws, reason, and good conscience, that the said subjects going with their sovereign lord in wars, attending upon him in his person, or being in other places by his commandment, within this land, or without, any thing should lose or forfeit for doing their true duty and service of allegiance: (3) it be therefore ordained, enacted, and established by the King our sovereign lord, by the advice and assent of the lords spiritual and temporal, and the commons in this present parliament assembled, and by authority of the same, That from henceforth no manner of person or persons, whatsoever he or they be, that attend upon the King and sovereign lord of this land for the time being, in his person, and do him true and faithful service of allegiance in the same, or be in other places by his commandment in his wars, within this land or without, that for the said deed, and true duty of allegiance he or they be in no wise convict or attain of high treason, ne of other offences for that cause, by act of parliament, or otherwise by any process of law, whereby he or any of them shall lose or forfeit life, lands, tenements, rents, possessions, hereditaments, goods, chattels, or any other things; but to be for that deed and service utterly discharged of any vexation, trouble, or loss. (4) And if any act or acts, or other process of the law hereafter thereupon for the same happen to be made, contrary to this ordinance, that then that act or acts, or other processes of the law, whatsoever they shall be, stand, and be utterly void. (5) Provided alway, That no person or persons shall take any benefit or advantage by this act, which shall hereafter decline from his or their said allegiance.

No person that shall attend upon the King and do him true service, shall be attained therefore of treason or any other offence.

CAP. II.

Vagabonds, idle, and suspected persons shall be set in the stocks three days and three nights, and have none other sustenance but bread and water, and then shall be put out of the town: (2) and whosoever shall give such idle persons more, shall forfeit xii. d. (3) Every beggar not able to work, shall resort to the hundred where he last dwelled, is best known, or was born, and there remain upon the pain aforesaid, Exp. 33 *El.* c. 4. (4) No artificer, labourer, or servant, shall play at any unlawful game, but in *Christmas*, Exp. 33 *H.* 8. c. 9. (5) Two justices of peace may reject common selling of ale, &c.

Altered 5 & 6 Ed. 6. c. 25.
1 Jac. 1. c. 9.
Rep. 21 Jac. 1. c. 28.

CAP. III.

The justices of assize in their sessions, and the justices of peace in every county, upon information for the King, shall have authority to hear and determine all offences and contempts, (saying treason, murder, or felony) committed by any person against the effect of any statute made, and not repealed.

Rep. 1 H. 8. c. 6.

CAP. IV.

The names of the cities and towns limited for the keeping of weights and measures.

Statutes concerning weights and measures.

9 H.3.stat.1.
c.25.

51 H.3.stat.1.

31 Ed.1.

14 Ed.3.stat.1.

c.12.

25 Ed.3.stat.5.

c.9,10.

27 Ed.3.stat.2.

c.10.

34 Ed.3.c.5.

13 R.2.stat.1.

c.9.

15 R.2.c.4.

16 R.2.c.3.

8 H.6.c.5.

A weight and measure according to the standard of the exchequer shall be sent into every city, borough, &c.

PRAYEN the commons in this present parliament assembled, That where divers acts, statutes, and ordinances in the times of the noble progenitors and predecessors of our now sovereign lord the King have been made, That one measure and weight should be used throughout this noble realm; (2) and also, That in every city, borough, and town within the same realm, upon certain and several pains in the said statutes and ordinances limited, should be a common balance, with common weights, and common measures, marked according to the standard of the exchequer; by the which, and other like balance, weights, and measures marked according to the said standard, all men should buy and sell, for the avoiding of all fraud and discord in that behalf to be used; (3) which acts, statutes, and ordinances have not been observed and kept, as now in this present parliament it hath been openly by divers persons of divers parties of this realm remembered, to the great hurt and vexation of divers and many of the King's subjects of this his realm: (4) for remedy whereof be it of the abundant grace of our most gracious sovereign lord, by the assent of the lords spiritual and temporal, and by the commons, in this present parliament assembled, and by authority of the same, enacted and established, That unto the knights and citizens of every shire and city, assembled in this present parliament, barons of the cinque ports, and certain burgesses of burgh towns, before they depart from this present parliament, be delivered one of every weight and measure, which now our sovereign lord hath caused to be made of brass, for the common wealth of all his subjects and lieges within this his realm of England, according to the King our sovereign lord's standard of his exchequer of weights and measures, as they be in the exchequer of our said sovereign lord: (5) and that the said knights, citizens, and burgesses, to whom the said weights and measures shall be delivered, as is aforesaid, surely convey, or cause the same to be conveyed on this side the feast of *Easter* next coming, by the said citizens to their cities, and by the said knights unto such borough, or town corporate, or market town within the shire for which they be elected, as is specified and contained in a schedule unto this present bill annexed, there to remain for ever in the keeping of the mayor, bailiff, or other head officer for the time being, of the same city, borough, or town, as the King's standard of weight and measure. (6) And that the inhabitants of all cities, boroughs, and market towns within every of the said shires, shall on this side the feast of the Nativity of St. *John Baptist* next coming, make or cause to be made, common measures and weights, according to the weights and measures aforesaid, to remain within the said cities, boroughs, and market towns, and every of them; (7) and the same weights and measures to be viewed, examined, printed, signed,

Every city and borough shall make common weights according to them received, and shall mark them.

signed, and marked by the mayor, balliff, or other head officer, in whose possession the aforesaid standard shall remain; (8) and that every of the aforesaid mayor, bailiff, or head officer, having the said weights and measures signed and printed under the sign and print for the same, with a letter H crowned, have authority and power to make, sign, and print like weights and measures unto every of the King's lieges and subjects, duly requiring the same, taking for marking of every bushel, i. d.

None shall buy or sell but with weights and measures signed and printed,

(9) And that from the said feast of the Nativity of St. *John Baptist*, no merchant, ne other person or persons, within any city or market town, buy ne sell with any weight or measure, except it be marked, signed, or printed in manner and form aforesaid, ne any other person or persons out of the said cities, boroughs, and market towns, except it be like and equal with the said estandard; (10) and that every person, as well without cities, boroughs, and market towns, as within, buy and sell with a bushel sealed, signed, or marked after the form aforesaid, and no otherwise. (11) And that all the mayors, bailiffs, and other head officers of every city, borough, or market town, shall cause twice in the year, or oftener, as they shall think necessary, all weights and measures within the said cities, boroughs, and market towns, to be brought afore them, and to be duly viewed and examined; (12) and such as they shall upon the said examination find defective, immediately to be broken and burnt, and the party or parties which in that behalf hath offended, and been found defective, shall forfeit for the first time vi. s. viii. d. the forfeiture thereof to be unto the said mayor, bailliff, or any other having jurisdiction and correction in that behalf; and at the second time the said offender likewise to forfeit xiii. s. iv. d. and at the third time likewise to forfeit xx. s. and for further punishment to be set upon the pillory, to the ensample of other: (13) and that two justices of peace, whereof one shall be of the *quorum*, have authority, as well by examination as by enquiry, to hear and determine the defaults of the said mayors, bailiffs, or other head officers in that behalf, and also of all buyers and sellers doing contrary to this present act and ordinance, and to set fine and amerciamment upon the offenders by their discretion; (14) and the said weights and measures, so found defective, to be forfeited and burnt. (15) Be it also enacted, That there be but only viii. bushels rased and stricken to the quarter of corn, and xiv. li. to the stone of wool, and xxvi. stone to the sack. (16) Be it also ordained by authority aforesaid, That the justices of peace above said, have authority to make like process against all persons found as is above said defective, and for such fines and amerciamments as upon them shall be assessed, as if they were indicted afore them for breaking of the King's peace. (17) And where by other statutes and ordinances afore limited, it is ordained that every city, borough, and town that hath a constable, should have common weights and measures sealed, upon penalties in the same limited; that those penalties in that

which shall be viewed and examined twice in the year at the least.

The penalty of offenders.

Justices of the peace may hear and determine the offences.

The measure of a quarter of corn, and the weight of a stone and sack of wool.

14 Ed. 3. stat. 1. c. 12.

Selling and
buying by wa-
ter measure
on ship-board.

The lord war-
den of the
Five Ports
shall punish
offences done
there.

Weights for
coinage of tin
in Cornwall
and Devon.

7 H. 7. c. 4.

22 H. 7. c. 5.

that behalf extend not to any town which is no city, burgh, or market town. (18) Provided alway, That this act shall not extend, nor be prejudicial to any person selling or buying by water-measure within the ship-board; (19) and that it be by the authority abovesaid enacted, the premises or any other ordinance afore made notwithstanding, That the said water-measure within the ship-board shall only contain five pecks, after the said standard rased and stricken. (20) Provided also, That the examination of defaults abovesaid, and punishment to the offenders of every offence committed hereafter within any of the said five ports, shall be had, done, and administered by the lord warden of the said five ports, or by his lieutenant of the same for the time being, and none other, the premises notwithstanding. (21) Provided also, That this act of weights and measures extend not, nor be in no wise hurtful or prejudicial to the prince, within the dutchy of *Cornwall*, for any weights appertaining and belonging to the coinage of tin within the counties of *Cornwall* and *Devonshire*, but that all such weights be used, ordered, demeaned, and corrected, as it hath been used and accustomed before this time, the same, act and ordinance notwithstanding.

The names of towns limited for the safe custody of weights and measures, according to the King's standard for the shires following, as particularly appeareth.

<i>Westmerl.</i>	The town of <i>Appleby</i> .
<i>Northumb.</i>	The town of <i>Newcastle</i> .
<i>Cumbr.</i>	The city of <i>Carlisle</i> .
<i>Lanc.</i>	The town of <i>Lancaster</i> .
<i>Ebor.</i>	The city of <i>York</i> .
<i>Lincoln</i>	The city of <i>Lincoln</i> .
<i>Derb.</i>	The town of <i>Derby</i> .
<i>Nottingh.</i>	The town of <i>Nottingham</i> .
<i>Leic.</i>	The town of <i>Leicester</i> .
<i>Warw.</i>	The city of <i>Coventry</i> .
<i>Rotyl.</i>	The town of <i>Uppingham</i> .
<i>North.</i>	The town of <i>Northampton</i> .
<i>Bedf.</i>	The town of <i>Bedford</i> .
<i>Buck.</i>	The town of <i>Buckingham</i> .
<i>Cantebr.</i>	The town of <i>Cambridge</i> .
<i>Hunt.</i>	The town of <i>Huntingdon</i> .
<i>Norw.</i>	The city of <i>Norwich</i> .
<i>Suff.</i>	The town of <i>St. Edmunds-bury</i> .
<i>Essex</i>	The town of <i>Chelmsford</i> .
<i>Hertf.</i>	The town of <i>Hertford</i> .
<i>Mid.</i>	In <i>Westminster</i> .
<i>Kent</i>	The town of <i>Maidstone</i> .
<i>Sur.</i>	The town of <i>Guilford</i> .
<i>Suffex</i>	The Town of <i>Lewes</i> .
<i>Oxon.</i>	The town of <i>Oxford</i> .

Berk.

<i>Berk.</i>	The town of <i>Reading</i> .
<i>Salop</i>	The town of <i>Shrewsbury</i> .
<i>Staff.</i>	The town of <i>Stafford</i> .
<i>Hereford</i>	The city of <i>Hereford</i> .
<i>Glouc.</i>	The town of <i>Gloucester</i> .
<i>Wigorn.</i>	The city of <i>Worcester</i> .
<i>Wilt.</i>	The city of <i>New Salisbury</i> .
<i>South.</i>	The city of <i>Winchester</i> .
<i>Somerf.</i>	The town of <i>Ilchester</i> .
<i>Dorf.</i>	The town of <i>Dorchester</i> .
<i>Devon</i>	The city of <i>Excester</i> .
<i>Cornub.</i>	The town of <i>Lustudiel</i> .
<i>London</i>	The same city.
<i>Bristol</i>	The same town.
<i>Quinque Portus</i>	The castle of <i>Dover</i> .
<i>Civitas Covent.</i>	The same city.
<i>Southampton</i>	The same town.
<i>Civitas Cestr.</i>	The same town.

CAP. V.

Every man may pull down the wears and engines in the haven of *Southampton*, between *Calford* and *Redbridge*; and who-soever levieth any other there, shall pay one hundred pounds to the King. 14 & 15 H. 8.
c. 13. made
perpetual.

CAP. VI.

Where custom shall be paid when cloths be packed in one port, and shipped in another. O. B. 11 & 12
Will 3. c. 20.

CAP. VII.

The principal leaders of any persons to commit a riot or unlawful assembly, shall be committed to prison so long time, and pay such fine, and be bound to the peace with sureties in such a sum of money, as shall seem meet to the justices of peace before whom the complaint is made, or the indictment found. And if the riot be with forty persons, or thought heinous, then the justices of peace shall certify the same, and send up the record of conviction to the King and his council. *To endure to the next parliament.* E X P.
1 Mar. sess. 2.
c. 12.

CAP. VIII.

A repeal of the statute of 3 H. 7. c. 5. touching usury. He that lendeth his money upon usury, or maketh any bargain of lands or goods grounded upon usury, shall forfeit the one half thereof. Rep. 37 H. 8.
c. 9.
1 Inst. 152.

CAP. IX.

North and south *Tyndale* and all the lands within the same shall be guildable, and parcel of the county of *Northumberland*, and no franchise shall be there, but all the King's writs and officers shall be obeyed. (2) And no man shall demise any lands for years, life, or at will there, but the lessee shall before find two sureties having at the least xl. s. of freehold within the county of *Northumberland*, to be bound by recognisance in xx. li. to the King, to make answer within eight days warning, to all murders, treasons, felonies, &c. and the lessor shall forfeit

feit xl. s. for every acre otherwise let, to the King and justices, and the lease shall be void. (3) And the justices of peace shall enquire of the recognisances forfeited.

C A P. X.

E X P.

A remedy or means to levy a subsidy or benevolence before granted to the King.

C A P. XI.

No man shall be a worsted-shearer in *Norwich*, unless he hath been seven years an apprentice, or be allowed by the mayor, and masters of the company. (2) The worsted-shearers in *Norwich* shall make no ordinance but such as the mayor and aldermen shall think necessary. (3) No inhabitant in *Norwich*, being not a shearmen shall keep a shearman in his house. Rep. 19 *H. 7. c. 17*. The citizens of *Norwich* may take to apprentice the son or daughter of any person, notwithstanding the statute of 7 *H. 4. c. 17*. 12 *H. 7. c. 1*. 5 *El. c. 4*.

C A P. XII.

A mean to help and speed poor persons in their suits.

2 Geo. 2. c. 28.
f. 8.

PRayen the commons in this present parliament assembled, That where the King our sovereign lord, of his most gracious disposition willeth and intendeth indifferent justice to be had and ministered according to his common laws, to all his true subjects, as well to the poor as rich, which poor subjects be not of ability ne power to sue according to the laws of this land for the redress of injuries and wrongs to them daily done, as well concerning their persons and their inheritance as other causes: (2) for remedy whereof, in the behalf of the poor persons of this land, not able to sue for their remedy after the course of the common law; be it ordained and enacted by your Highness, and by the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That every poor person or persons, which have, or hereafter shall have cause of action or actions against any person or persons within this realm, shall have, by the discretion of the chancellor of this realm for the time being, writ or writs original, and writs of *subpoena*, according to the nature of their causes, therefore nothing paying to your Highness for the seals of the same, nor to any person for the writing of the same writ and writs to be hereafter sued; (3) and that the said chancellor for the time being shall assign such of the clerks which shall do and use the making and writing of the same writs, to write the same ready to be sealed, and also learned counsel and attorneys for the same, without any reward taking therefore: (4) and after the said writ or writs be returned, if it be afore the King in his bench, the justices there shall assign to the same poor person or persons, counsel learned, by their discretions, which shall give their counsels, nothing taking for the same: (5) and likewise the justices shall appoint attorney and attorneys

A mean to
help and speed
poor persons
in their suits
in every court
of record.

nies for the same poor person or persons, and all other officers requisite and necessary to be had for the speed of the said suits to be had and made, which shall do their duties without any reward for their counsels, help, and business in the same: (6) and the same law and order shall be observed and kept of all such suits to be made afore the King's justices of his common place, and barons of his exchequer, and all other justices in the courts of record where any such suit shall be.

C A P. XIII.

Who only may carry a horse out of this land without the King's licence. The custom and price of a mare to be transported.

FOrasmuch as many horses and mares of the breed of this land now of late have been carried and conveyed out of the same into the parts beyond the sea, which causeth not only the smaller number of good horses to be within this realm for the defence thereof, but also the great and good plenty of the same to be in the said parts beyond the sea, that in times past were wont to be within this land, and over that, the price of every of them to be greatly enhanced here, to the loss and noyance of all the King's subjects within the same: (2) for remedy whereof

be it ordained, enacted, and established by the King our sovereign lord, by the advice of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That from henceforth no manner of person ne persons carry or convey any horse out of this land without the King's special licence, upon pain of forfeiture of the same, or any mare above the value of vi. s. viii. d. without the King's special licence, upon the said pain of forfeiture of the same mare; the owner thereof, or his deputy, receiving for the same mare vi. s. viii. d. at the time of the seizure upon the said forfeiture, or else it be not forfeit: (3) and at the time of seizure of the said mare or mares, they shall be prised by the head officers of the town where any such mare is taken, and there openly to be sold at the best price, and the half deal of the over price of her, being above vi. s. viii. d. to be to the King, and the other half to him that seisseth; and the King's part thereof to be delivered to the customer of the said port.

(4) And that no manner person ne persons hereafter carry or convey any mare or mares out of this land, except every of the said mares so carried be of the age of three years at the least, and not over the price of vi. s. viii. d. paying to the King for every of them, being not above the value of vi. s. viii. d. so to be carried or conveyed in the same port, such customs as hath been for mares before used; (5) and that for every mare of more value hereafter by the King's licence after the form aforesaid conveyed or carried beyond the sea, the owner thereof, or his deputy, assignee, or servant, shall pay vi. s. viii. d. for the custom of the same before it be shipped, under the pain of forfeiture of every mare so shipped ere they be customed. (6) And

No horse shall be carried out of this realm without the King's licence.

22 H. 8. c. 7.
8 Géo. 1. c. 14.
f. 8.

No mare above the value of vi. s. viii. d. shall be transported without licence.

No mare shall be transported except she be three years old, and not above the price of vi. s. viii. d. The custom of a mare transported, vi. s. viii. d. and her price vii. s.

over

Any denizen
may carry a
horse beyond
the sea for his
own use.
1 Ed. 6. c. 5.
Rep. 3 El. c. 19.

over that it be enacted, That if any person at the port will give for any of the mares so to be carried vii. s. that it be lawful to him so giving and paying the said vii. s. to take the said mare, if she be not afore taken by the King's officer, nor the King's licence be not in that behalf afore said, for the same mare to be carried, obtained. (7) Provided alway, That it shall be lawful to every person or persons, being denizens, hereafter to carry a horse beyond the sea, the King's licence in that behalf not obtained, for their own use, not intending at the time of the shipping of the same, nor then purposed fully to sell him, and that intent to be known by the oath of him that shall so ship the same horse, taken before the customer or searcher of the same port, this act notwithstanding.

C A P. XIV.

What customs aliens made denizens shall pay for their merchandises.

WHERE the King our sovereign lord is greatly deceived in his customs and subsidies by merchants and strangers, such as the King our sovereign lord hath granted by his letters patents to be denizens, and to pay no other customs ne subsidies for their merchandise inward and outward but as a denizen, under colour whereof they custom not only their own merchandise under the form afore said, but also they colourably enter into the customers books the merchandise of other strangers, calling and saying the said goods of other merchants to be the goods of them so made denizens, to the great loss and defraud of the King our sovereign lord: (2) wherefore be it enacted, by the King our sovereign lord, the lords spiritual and temporal, and the commons, of this present parliament assembled, and by authority of the same, That all merchant strangers and other, that be made denizens by the King's letters patents, or otherwise, pay from henceforth such customs and subsidies for their goods and merchandise inward and outward, as they should have paid, if such letters patents and grants had never to them been made.

1 H. 7. c. 2.
22 H. 8. c. 8.
25 Car. 2. c. 6.
f. 1 & 2.

Aliens made
denizens shall
pay such cus-
toms and sub-
sidies as they
did before.

C A P. XV.

Entering of plaints in county courts, examining of sheriffs, execution of precepts, viewing of estreats, and gathering of them.

Several misde-
meanors prac-
tised by the-
riffs, &c. en-
tering of
plaints.

WHEREAS great extortion is yearly used and had within divers counties of this realm of England, by the subtilty and untrue demeanour of sheriffs, under-sheriffs, shire-clerks, or any other officers holding and keeping the counties in the name of the sheriff, that is to say, If any man affirm a plaint before the sheriffs in the counties, or before any other of the said officers, the said sheriff, under-sheriff, or his shire-clerk, will enter or cause to be entered in their books, in the same plaintiff's name, divers and many plaints both of debt, trespass, and covenant, at their pleasure, and unknown to the same plaintiff in whose name the said plaints been affirmed, to the intent that if the defendant appear not at every shire-day or court hanging the said plaint, he shall lose

lese for his default made at every plaint four pence; (2) where divers times by covin between the said sheriffs, under-sheriffs, shire-clerks, and the other foresaid officers, the said defendants being never attached, summoned, nor warned according to the due form of the common law, wherefore the same parties, so put in suit, have no knowledge of any such suit had against them; (3) and over that, the same sheriffs, under-sheriffs, and shire-clerks, will cause divers plaints to be taken in the names of such persons that are not in plain life, where the said defendant shall have like loss as is before rehearsed; (4) so that the unlawful demeanour of the said sheriffs, under-sheriffs, shire-clerks for the time being, and the bailiffs of the hundreds, for their default and negligence in their offices, and covin between the said sheriffs, under-sheriffs, shire-clerks and other of the foresaid officers, causeth the amerciaments that be in the one year after the books be ingressed, to amount to great and importable sums of money, (5) which sums of money been yearly levied of the poor commons in the said counties by the sheriffs, under-sheriffs, and shire-clerks, and other their deputies being of no substance, neither of honour, which deputies take and levy more by extortion than is contained in their estreats, to the express pillage and impoverishing of the said commons. (6) Be it therefore enacted, ordained, and established by the King our sovereign lord, and by the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That no sheriffs, under-sheriffs, or shire-clerks hereafter, neither any person in their names, nor by their commandment, shall take and enter any plaints in their books in no man's name, unless the party plaintiff be in his proper person present in the court, or else by a sufficient attorney or deputy that is known to be of good name and disposition; (7) and that the same party plaintiff shall find pledges to pursue his said plaint, such persons as are known there in the county; (8) and that the party plaintiff shall have but one plaint for one trespass or contract. (9) And if the said sheriffs, under-sheriffs, shire-clerks, take and enter, or cause to be entered, any mo plaints than the plaintiff supposeth that he hath cause of action against the defendant, that then the said sheriffs, under-sheriffs, shire-clerks, that do enter, or cause to be entered, any such plaints contrary to the said provision and ordinance, shall forfeit for every default xl. s. the one half thereof to be had to the use of our said sovereign lord the King, and the other part to him or them that will sue and prove the same matter by action of debt or information in the exchequer. (10) And over that, the justices of peace in the same counties, and every of them, shall have authority, upon complaint made by the party so unlawfully grieved, to examine the said sheriffs, under-sheriffs, or shire-clerks, and plaintiffs; (11) and if the said justices of peace, or one of them, find by their examination default in the said sheriffs, under-sheriffs, or shire-clerks, in entering of the said plaints deceitfully, for his or their advantage, as is before rehearsed, contrary to this present act, that then the said sheriffs, under-sheriffs, and shire-clerks, shall be convict and attain of the same offence, without further inquiry or examination,

No plaint shall be entered in the county court, but where the plaintiff or his attorney is present.

There shall be entered but one plaint for one cause.

A justice of peace may examine the offence, and certify it into the exchequer.

The penalty
of bailiffs of
hundreds that
do not execute
their offices.

Two justices
of peace shall
view the she-
riff's estreats.
1 Ed. 4. c. 2.

Bailiffs shall be
sworn to ga-
ther but what
is due.
By whom and
when the said
justices shall
be named.

Process a-
warded by the
justices of
peace against
an offender.

amination, (12) and that he shall forfeit upon the same examination xl. s. to the use of our sovereign lord the King for every default. (13) And the said justices of peace that so shall take the examination, shall certify the same examination within a quarter of a year into the King's exchequer, upon pain of xl. s. (14) and furthermore, That the said sheriffs, under-sheriffs, and shire-clerks, make, or cause to be made, a sufficient precept to the bailiffs of the said hundreds, to attach, summon, or warn the defendants that are so in suit, to appear and answer to the said plaints; (15) and if there be any default in the said bailiffs of the hundreds, in warning of the defendants to appear and answer to the said plaints commenced against them in their courts, or in executing their said office, That then the said bailiffs shall forfeit for every default unto our sovereign lord the King xl. s. (16) and to be attaind and convict thereof by like examination of the justices of peace, or any of them, as before is rehearsed. (17) And that the same sheriffs, under-sheriffs, shire-clerks, and their deputies for the time being, shall make no estreats to levy the said sheriffs amerçiements, until such time that two justices of peace, whereof one shall be of the *Quorum*, hath had the view and oversight of their books; (18) and that the estreats be indented betwixt the said justices of peace, and the said sheriffs and under-sheriffs, and sealed with their seals, the one part to remain with the said justices, and the other part with the said sheriffs, or under-sheriffs, to the intent they may understand if any deceit be, or untrue demeaning in them, in making of their books; (19) and that those persons which shall be gatherers of the same amerçiements, as bailiffs, or other officers, be sworn by the said justices, that they take no more money than is forfeited and contained in the estreats, sealed with the seals of the said justices of peace, upon the same pain of forfeiture as before is rehearsed; thereof the same gatherers to be convict by examination of the said justices of peace, or one of them, as before is rehearsed. (20) Provided, alway, That the said justices of peace shall be appointed and named at the general sessions after the feast of St. *Michael* the archangel, by him that is *Custos Rotulorum* of the said counties, or else by the eldest of the *Quorum* in his absence, to have the oversight and controlment of the said sheriffs, under-sheriffs, and shire-clerks, and and other of the said officers, and of the said sheriffs amerçiements: (21) and the said justices of peace, upon suggestion, or information of the party so grieved, shall make like process, as in an action of trespass, against the said sheriffs, under-sheriffs, or shire-clerks, and other the foresaid officers misde-meaning, as before is rehearsed, for to appear before them to answer to the said suggestion or information.

CAP. XVI.

EXP.

He that hath a freehold in *Calais*, out of the which any due is issuing for the keeping of the same, shall pay within one year and a day, or else shall forfeit the freehold to the King.

CAP.

CAP. XVII.

The forfeiture for taking of pheasants or partridges, or the eggs of hawks or swans.

ITEM, Forasmuch as divers persons, having little substance to live upon, use many times as well by nets, snares, or other engines, to take and destroy pheasants and partridges upon the lordships, manors, lands, and tenements of divers owners or possessors of the same, without licence, consent, or agreement of the same owners or possessors, by the which the same owners and possessors lose not only their pleasure and disport that they, their friends and servants should have about hawking, hunting, and taking of the same, but also they lose the profit and avail that by that occasion should grow to their household, to the great hurt of all lords and gentlemen, and other, having any great livelihood within this realm: (2) wherefore it is ordained and enacted by the authority of this present parliament, That it shall not be lawful to any person, of what condition he be, to take, or cause to be taken, any pheasants or partridges by net, snares, or other engines, out of his own warren, upon the freehold of any other person, without the assent, agreement, and special licence of the owner or possessor of the same, upon pain of forfeiture of x. li. the one half thereof to the party that will sue for the same by action of debt, or by bill, or otherwise, and the other half thereof to the owner or possessor of the said ground, upon the which the said pheasants and partridges be so taken: (4) also it is ordained by the said authority, That no manner of person, of what condition or degree he be, take or cause to be taken, be it upon his own ground, or any other man's, the eggs of any falcon, goshawks, laners, or swans, out of the nest, upon pain of imprisonment of a year and a day, and fine at the King's will, the one half thereof to the King, and the other half to the owner of the ground where the eggs were so taken, and that the justices of peace have authority, by this present act, to hear and determine such matter, as well by inquisition as information and proofs. (5) Also it is ordained by the said authority, That no man from the feast of *Pasche* next coming, bear any hawk of the breed of *England*, called a *Nyessse*, *Goshawk*, *Tassel*, *Laner*, *Laneret*, or *Falcon*, upon pain of forfeiture of his hawk to the King, and the said hawk to be at the King's pleasure: (6) and that all such persons as bring any nyessse hawk or hawks, from any the parties beyond the sea, bring a certificate under the customers seal of the port where he first landed with the said hawk or hawks: (7) or if he come out of *Scotland*, then under the seal of the warden, or his lieutenant of that march that he cometh through, testifying, that the same hawk or hawks be of the parties beyond the sea, or of *Scotland*, upon the same pain; (8) and that the person that bringeth any such hawk or hawks to the King, shall have a reasonable reward of the King, or else the same hawk or hawks for his labour. (9) Also it is ordained by the same authority, That no man take any ayter falcon, goshawk, tassel, or laner, or lanerets,

Rast. pla. f. 599.
The penalty for taking of pheasants or partridges in another's ground by nets, &c.

23 El. c. 10.
1 Jac. 1. c. 27.
7 Jac. 1. c. 11.
7 Co. 18.
The penalty for taking of hawks or swans eggs out of their nests.
31 H. 8. c. 12.

Certain English hawks prohibited to be borne.

He that bringeth a Nyessse hawk from foreign parts shall bring a certificate.

The penalty for taking,

killing or
driving of
hawks.

in their warren or woods, or in other place, nor purposely drive them out of their coverts accustomed to breed in, to cause them to go to other coverts to breed, nor slay them for any hurt by them done, but suffer them to pass at their liberties, (10) upon pain of ten pounds, the one half thereof to the party that will sue for the same by action of debt, by examination before the justices of the peace, information, or otherwise, and the other half to the King. (11) Provided alway, That the moiety of the forfeiture abovesaid, given to the owner of the ground for taking of swans eggs, be unto the owner of the said swans, and not to the owner of the ground.

CAP. XVIII.

The forfeiture of him which goeth not in person with the King in his wars, when he is in person.

He that will
not go in per-
son with the
King in his
wars, where
he is in per-
son, shall lose
his offices, &c.
granted by
the King.

WHEREAS every subject, by the duty of his allegiance, is bounden to serve and assist his prince and sovereign lord at all seasons when need shall require, and most specially such persons as have by him promotion or advancement, as grants and gifts of offices, fees, and annuities, which owe and verily be bound of reason to give their attendance upon his royal person, to defend the same, when he shall fortune to go in his person in wars for defence of the realm, or against his rebels and enemies, for the subduing and repressing of them and their malicious purpose: (2) wherefore be it enacted and established by the King our sovereign lord, by the advice of his lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That if any person or persons, being within this realm of *England or Wales*, having such offices, fees, or annuities, by any of his rehearsed gifts and grants, do not give their attendance upon him, when he shall fortune to go in wars in his person, in their said persons, as their duty bindeth them; that then they, and every of them making thereof default (the King's special licence not had, or else he have such unfeigned sickness, letting, or disease, that he may not in his person come to do his personal attendance and service after the form abovesaid, and that duly proved) that then every such person or persons forfeit and lose their said offices, fees, and annuities, and to stand void at the King's pleasure, any act, ordinance, or statute to the contrary afore this time had or made in any wise notwithstanding. (3) Provided, That this act extend not to any spiritual person, master of the rolls, ne to any other officer and clerks of the chancery, justices of either bench, barons of the King's exchequer, and other officers and clerks of the said places, the King's attornies and solicitor, and the serjeants at law. (4) Provided alway, That this act shall not extend to any person having any such offices of the King's highness, and being in his service within his towns and fortilities of *Berwick and Carlisle*, ne to the clerk of the King's council for the time being.

Certain per-
sons whereun-
to this statute
doth not ex-
tend.

Dyer, 211.

19 H. 7. c. 1.

CAP. XIX.

What stuff upholders shall put in bolsters, feather-beds, and pillows.

TO the right worshipful commons in this present parliament assembled, sheweth unto your discreet wisdoms, the wardens of the fellowship of the craft of upholders within the city of London, (2) that whereas divers persons within the realm of England, out of the said city, make and do to be made unlawful and false wares and merchandises, to the great rebuke and slander of the said craft, and also great jeopardy, loss, and deceit to the King's subjects, wherefore there is no sufficient remedy purveyed, for so much as the same wardens have no power nor authority to make due search of such false deceivable wares and merchandises put to sale out of the said city, as they have power and authority within the same city, as in feather-beds, bolsters, and pillows, made of two manner of corrupt stuffs, that is to say, of scaled feathers, and dry pulled feathers together, and of flocks and feathers together, which is contagious for man's body to lie on, and also in quilts, mattresses, and cushions, stuffed with horse-hair, fen-down, neats-hair, deers-hair, and goats-hair, which is wrought in lime-fats, and by the heat of man's body the savour and taste is so abominable and contagious, that many of the King's subjects thereby been destroyed; (3) which deceitful making of the foresaid corrupt and unlawful stuff is to the great loss and impoverishing of the King's liege people, and also to the great rebuke and slander to the said craft of upholders: (4) therefore may it please the King's highness, by the advice of the lords spiritual and temporal, and his commons, in this present parliament assembled, and by authority of the same, to establish, ordain, and enact, That from henceforth no person ne persons shall make, utter, ne put to sale in fairs, ne in markets within this his said realm, any feather-beds, bolsters, or pillows, except they be stuffed with one manner of stuff, that is to say, with dry pulled feathers, or else with clean down alone, and with no scaled feathers, nor fen-down, nor none other unlawful and corrupt stuffs, as is afore rehearsed, but utterly to be damned for ever: (5) except if any person or persons, for their own proper use in their houses, make or do to be made any of the foresaid corrupt and unlawful stuff and wares, so they be not offered to be sold in fairs and markets, upon pain of forfeiture. (6) And also in likewise, quilts, mattresses, and cushions, be stuffed with one manner of stuff, that is to say, with clean wool, or clean flocks alone, and with no such unlawful stuff afore rehearsed, upon pain of loss and forfeiture of all such unlawful wares and merchandises.

What stuff shall be put into bolsters, pillows, and feather-beds.

What stuff shall be put into quilts, mattresses, and cushions.
5 & 6 Ed. 6.
c. 23.

CAP. XX.

Certain alienations made by the wife, of the lands of her deceased husband, shall be void.

FOR certain reasonable considerations be it ordained, enacted, Hob. 299. and established by the King our sovereign lord, and by the 1 Leon. 261. assent of the lords spiritual and temporal, and the commons in this 2 Leon. 168. present 3 And. 44.

2 Roll, 417.
 3 Co. 58.
 5 Co. 80.
 Bro. judg. 148,
 153.
 Co. Lit. 326. b.
 365, 366, 381.
 Cro. El. 2, 4,
 24, 131, 513,
 514.
 Cro. Jac. 174,
 624.
 3 Mod. 33.
 4 Mod. 85.
 Alienation by
 the wife of
 the inheri-
 tance of her
 deceased hus-
 band, shall be
 void.

Upon the re-
 covery or alie-
 nation of the
 woman, he in
 the reversion
 may enter.
 2 And. 31.
 1 Co. 102.
 3 Co. 50, 58.
 4 Co. 3.
 Dyer, 111,
 146, 248, 340,
 354, 362.
 Hob. 341.

A woman
 covert bound
 but during
 her husband's
 life.
 2 Bulstr. 42.
 A woman sole
 aliening, or
 suffering a
 recovery.

present parliament assembled, and by authority of the same, That if any woman which hath had, or hereafter shall have, any estate in dower, or for term of life, or in tail, jointly with her husband, or only to herself, or to her use, in any manors, lands, tenements, or other hereditaments of the inheritance or purchase of her husband, or given to the said husband and wife in tail, or for term of life, by any of the ancestors of the said husband, or by any other person seised to the use of the said husband, or of his ancestors, and have or shall hereafter, being sole, or with any other after taken husband, discontinued or discontinued, aliened, released, or confirmed, aliene, release, or confirm with warranty, or by covin suffered or suffer any recovery of the same against them, or any of them, or any other seised to their use, or to the use of either of them, after the form aforesaid, that all such recoveries, discontinuances, alienations, releases, confirmations, and warranties so had and made, and from henceforth to be had and made, be utterly void and of none effect: (2) and that it shall be lawful to every person and persons, to whom the interest, title, or inheritance, after the decease of the said women, of the said manors, lands, and tenements, or other hereditaments, being discontinued, aliened, and suffered to be recovered, after the first day of *December* next coming, in the form aforesaid, should appertain, to enter into all and every of the premises, and peaceably to possess and enjoy the same, in such manner and form as he or they should have done, if no such discontinuance, warranty, nor recovery had been had nor made. (3) And over this be it ordained and enacted by the said authority, That if any of the said husbands and women, or any other seised, or that shall be seised, to the use of them of the estate afore specified, after the said first day of *December*, do make or cause to be made, or suffer any such discontinuance, alienations, warranties, or recoveries in form aforesaid, that then it shall be lawful to the person or persons to whom the said manors, lands, or tenements should or ought to belong after the decease of the said women, to enter into the same, and them to possess and enjoy, according to such title and interest as they should have had in the same, if the same women had been dead, no discontinuance, warranty, nor recovery had, as against the said husband during his life, if the said discontinuance, alienation, warranties, and recoveries be hereafter had by or against the same husbands and women during the coverture and espousal betwixt them. (4) Provided alway, That the said women, after the decease of their said husbands, may re-enter into the same manors, lands, and tenements, and them to enjoy according to their first estate in the same. (5) And over this be it ordained and enacted by the said authority, That if the said woman, at the time of such discontinuance, alienations, recoveries, warranties, after the said first day of *December*, in form aforesaid, to be had and made of any of the premises, be sole, that then she shall be barred and excluded of her title and interest in the same from thenceforth; (6) and that the person and

and persons to whom the title, interest, and possession of the same should belong after the decease of the said woman, shall immediately after the said discontinuances, alienations, warranties, and recoveries, enter into the same manors, lands, tenements, and other hereditaments, and them to possess and enjoy according to his or their title in the same. (7) Provided also, That this act extend not to avoid any recovery, discontinuance, or warranty after the form aforesaid, afore this time had, made, and suffered, but only where the said husband and woman, or either of them now being alive, or any other to their use, now have entries and title to the said manors, lands, tenements, or other hereditaments, aliened, discontinued, or suffered to be recovered after the form aforesaid, and thereof now taking the issues and profits, or any other person or persons to their use. (8) Provided also, That this act extend not to any such recovery or discontinuance to be had where the heirs next inheritable to the said woman, (9) or he or they that next after the death of the same woman should have estate of inheritance in the same manors, lands or tenements, be assenting or agreeable to the said recoveries, where the same assent and agreement is of record, or inrolled. (10) Provided also, That it shall be lawful to every such woman being sole, or married after the death of her first husband, to give, sell, or make discontinuance of any such lands for term of her life only, after the course and use of the common law before the making of this present act.

A proviso for a recovery had before the time of the statute.

A woman doth discontinue, or suffer recovery, with the heir's consent.

A woman may alien her land for the term of her life only.

6 Ed. 1. stat. 2. c. 7.
32 H. 8. c. 36.

C A P. XXI.

The ability of every man that shall be impanelled in any inquest or attaint in London.

WHEREAS perjury is much and customarily used within the city of London, amongst such persons as passen and been impanelled upon issues joined between party and party in the courts of the same city, to the great displeasure of Almighty God, and also to the disheritance and manifold wrongs of the King's subjects, forasmuch as there is impanelled in the same inquests persons of little substance, discretion, and reputation; (2) and also no attaint, ne other sufficient punishment, is for such perjured persons before this time purveyed and ordained within the same city: (3) therefore it may please the King's highness, by the advice and assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, to stablish, ordain, and enact, That no person ne persons hereafter be impanelled, summoned, or sworn in any jury or inquest in courts within the same city, except he be of lands, tenements, or goods and chattels, to the value of xl. marks; (4) and that no person or persons hereafter be impanelled, summoned, nor sworn in any jury or inquest in any court within the said city, for lands or tenements, or action personal, wherein the debt or damage amounteth to the sum of xl. marks, or above, except he be in lands, tenements, goods, or chattels, to the value of C. marks; (5) and the same matter and cause alledged by any of the said parties by way of chal-

4 H. 8. c. 2.

Of what ability every man ought to be, who shall be impanelled in any inquest in London.

What a man making default of appearance in London shall forfeit, and to whom.

An attaint may be sued by bill in the hustings in London.

A precept by the mayor to the aldermen to summon a jury.

Forty eight persons impanelled and summoned to appear upon an attaint.

Raft. pla. f. 90. A Tales for default of appearance of the jurors.

Pleas of attaint commenced in London shall be tried there.

No challenge for lack of sufficiency.

lenge, and so founden, shall be admitted and taken in every of the same courts as a principal challenge. (6) And that every such person hereafter to be impanelled or summoned to appear, in any jury or inquest before any of the said judges of the same city, making default, at the first summons lose and forfeit in issues xii. d. and at the second default ij. s. and so at every such default after that, the issues and penalties to be double: (7) And all such issues lost in the mayor's court shall be forfeited, levied, and perceived to the use and behoof of the mayor and commonalty of the said city; and all such issues lost in the sheriff's court or courts shall be forfeited, levied, and perceived to the use of the sheriffs of the same city for the time being, towards their fee-ferm. (8) And also be it enacted by like authority, That the party grieved by any untrue or false verdict hereafter to be given in any of the courts of the said city, shall and may have and sue attaint by bill in the hustings of London, holden for common pleas before the mayor and aldermen of the same city for the time being; (9) and thereupon a precept to be awarded and made by the same mayor to every alderman of the said city, or his deputy in his absence, to present or certify the names of four indifferent and discreet persons of good fame, and every of them of substance of C. li. or more, citizens of the same city, dwelling in his ward, to the mayor and aldermen of the said city for the time being, at the hustings of common pleas within the same city then next ensuing to be holden; (10) of which persons so presented and certified, the said mayor and six aldermen, or more, holding the same court of hustings, shall take, name, and impanel xlvij. by their discretion thought most able, sufficient, and indifferent; and the mayor and his successors, mayors of the said city, shall do to be summoned the said xlvij. persons so by the said mayor and aldermen named and impanelled, (11) and also the jurors of the petty jury, and the party or parties named as tenants or defendants in the said bill of attaint, to appear before the mayor and aldermen of the same city at the hustings of common pleas then next to be holden in the same city; (12) and if the same attaint then, or any other time, happen to remain untaken for or by default of jurors, by challenge or otherwise, that upon every Tales granted, the said mayor and aldermen shall impanel the said persons which were certified by the said aldermen or their deputies, and omitted out of the said panel, or put therein other person or persons, being citizens of the said city, of the substance of C. li. or more. (13) And also, That all the plea or pleas to be alledged and pleaded by or for the tenant or defendant, tenants or defendants, or by any of the jurors of the petty jury in the same attaint, and triable by any jury or inquest, shall be tried within the same city, and by the inquests of the same, and in none other place ne county. (14) And that none of the said petty jury, ne other parties named in any such bill of attaint, shall or may have any challenge to the array, or to any person or poll therein being impanelled, for lack

lack of sufficiency of goods or of lands. (15) Over that it be provided and enacted, That the judgment in any such attaint shall not extend to any lands or tenements, ne to other punishment of the petty jury, ne other process to be in the same attaint, than is limited and appointed in this present act. (16) And if the xxiv. persons of the said xlviii. persons sworn in the same attaint find that the jurors named in the petty jury have made and given an untrue verdict, that then the judgment shall be against the party defendant in the same attaint, as is used in attaint sued by writ at common law: (17) and furthermore, the judgment in the same attaint shall be against the petty jury, that every of the jurors of the same petty jury shall forfeit and lose xx. li. or more, by the discretion of the mayor and aldermen of the said city, keeping the same hustings, or any other hustings of common pleas, to such use and behoof as other issues and penalties been forfeited and lost in any action or plaint commenced before the mayor and aldermen of the same city, and his body to be imprisoned, there to remain without bail or mainprise six months, or less, by the discretion of the mayor and aldermen of the same city for the time being, and to be disabled for ever to be sworn in any jury before any temporal judge. (18) And over that, be it enacted by the same authority, That if it be found by the grand jury in the same attaint, that the petty jury have given a true verdict, that then the grand jury shall have authority and power to inquire if any of the petty jury took or perceived any sum of money or other reward, or promise of money or other reward, of them named defendants or tenants in the same attaint; or if any other person or persons, by the commandment, covin, or assent of any of them, to or for the intent of their verdict given, whereupon the same attaint is grounded; (19) and after any such corruption by the said grand jury is founden, that then the juror or jurors of the said petty jury, that is found so defective in taking and perceiving any sums of money, or other reward, or promise of reward, shall lose, forfeit, and pay to the plaintiff or plaintiffs named in the same attaint, ten times the value of that sum or other reward so taken, perceived, or promised in form abovesaid, and shall suffer imprisonment without bail or mainprise six months, or less, by the discretion of the said mayor and aldermen, and shall be disabled for ever to be sworn in any jury before any temporal judge. (20) And over that be it enacted, That such defendant or tenant, defendants or tenants in the same attaint, shall lose, forfeit, and pay to such use and behoof, as other penalties been forfeited within the same city, ten times the value of that sum of money, or other reward by him or them so given to any of the said petty jury; and the same defendant or tenant, defendants or tenants, shall be imprisoned, there to remain without bail or mainprise during six months, or less, by the discretion of the said mayor and aldermen. (21) And if any debts, damages, or costs be recovered in any action whereupon such attaint is grounded, and by the same attaint it be found, that the petty jury

The judgment where the petty jury in London is attained, against the defendant and the petty jury.

The judgment where the first verdict is affirmed.

Inquiry if any of the petty jury have taken rewards.

Remedies for the debts, costs, and damages re-

covered in the first action.

The penalties if the plaintiff be nonsuit, or the first verdict be affirmed.

The attaint shall not abate, though one of the plaintiffs die, or be nonsuit, or any of the petty jury.

The penalty of the grand jurors making default.

The process in attaint.

Defaults shall not stay the taking of the attaint.

Who shall have the issues and penalties forfeited.

Where the attaint shall be taken *per medietatem lingue*.

jury have given a false serement, that then for the recovery and restitution of the same debt, damages, and costs, the plaintiff or plaintiffs in every attaint shall and may have and sue an action of debt against the same defendant or tenant, by writ, bill, or plaint in every of the King's courts, wherein the same defendant or tenant, and every of them, shall not be received to do his law. (22) And over that be it enacted, That if any plaintiff or plaintiffs in any such attaint commenced before the said mayor and aldermen upon any record remaining within the same city, therein be nonsuit, or if the first serement therein be affirmed, that then he or they shall have imprisonment, and make fine by the discretion of the mayor and aldermen of the said city for the time being, and that fine to be and go to the mayor and commonalty of the said city. (23) And if there be two or more plaintiffs in any such attaint ordained by this statute, and if any of them die or be nonsuit, the other by this act shall be enabled to sue for the proceeding in the same attaint; and notwithstanding the death of the defendant or tenant, defendants or tenants, or any of the petty jury named in the same attaint, so that there be two of the same petty jury on live, the same attaint shall not abate. (24) And also be it ordained by the same authority, That if any of the jurors of the said grand jury, impanelled and summoned in form afore said, at the summons make default, so that the attaint remaineth to be taken for default of jurors, that then every of the said jurors so making default, lose and forfeit for the first default xl. s. and at the second default v. li. and at every default after that x. li. (25) And like process to be made and sued there against the grand jury, and the petty jury, and the party and parties, as is to be made and sued in attaint sued at the common law, and that the same process be returnable at every hustings of common pleas; (26) And that the attaint remain not to be taken after the first summons returned for or by the default of the defendant or tenant, defendants or tenants, or of any of the petty jury named in the same attaint by this act ordained; (27) and that the said issues or penalties forfeited by any of the said grand jury, be forfeit, levied, and perceived to the use of the mayor and commonalty of the said city; (28) and that no protection nor essoin be allowed in this attaint by this act purveyed. (29) Provided alway, That upon all attaints hereafter to be commenced within the said city upon any record, wherein the trial and inquest was by half-tongue, that the said mayor and aldermen shall impanel the grand jury in the same attaint, the one half of strangers of good fame; and of the substance of goods to the value of C. li. and more, inhabiting within the same city at large, and the residue of the same grand jury to be of like value and substance of goods impanelled of the citizens, as afore said. (30) And over this, be it enacted by the said authority, That no act of attaint of the petty jury, made in this present parliament, nor nothing therein contained, other than this present act, nor other penalty or punishment in any other act, than is afore contained in this present

present act, be hurtful nor extend to any jury or inquest here-
after to be taken before any judge of and within the same city.

CAP. XXII.

The several years wages of servants in husbandry, viz. of the
bailiff of husbandry, chief hind, carter, shepherd, common
servant, woman servant, and child within xiv. years of age;
and the several wages of artificers and day-labourers, with
meat and drink, or without; and several times limited for
their work, meals, and sleep.

CAP. XXIII.

*The selling of salmons and eels; their vessels, packing, and
gauging of them.*

WHEREAS at a parliament holden at Westminster in the
xxij. year of the reign of King Edward the Fourth, among
other things it was enacted, ordained, and established, That no merchant
stranger nor denizen, after the feast of St. Michael the archangel then
next coming, should sell or put to sale any salmon by butt, barrel, half-
barrel, or any other vessel, afore it should be seen, except the same butt
should hold and contain lxxxiv gallons, the barrel xliij. gallons, the half-
barrel xxj. gallons, well and truly packed, upon pain of forfeiture for
every butt, barrel, and half-barrel, so lacking their said measure, vi. s.
viii. d. (2) And that no such merchant, being under the said King's
obeyssance, after the feast of St. Michael, should sell or put to sale any
manner of salmon by butt, barrel, or other vessel, except it should be well
and truly packed, that is to say, the great salmon by itself, without med-
dling of any grills or broken-bellied salmon with the same; (3) and
that all small fish, called grills, should be packed by themselves only,
without any meddling, upon pain of forfeiture, and losing vj. s. viii. d.
for every butt, barrel, or half-barrel, contrary to the said act meddled,
packed, and put to sale: (4) and that no such merchant nor other per-
son should put any herring to sale by barrel, demy-barrel, or firkin, ex-
cept the same barrel contain xxxij. gallons, the half-barrel and firkin
after the same rate: (5) and that the same herring should be well,
truly and justly laid and packed, and should be of one time taking and
salting; and that the same herring should be as good and as well packed
in the midst and in every part of the same barrel and other vessels,
as it should be at any of the ends of the same barrel and vessel, upon
pain of forfeiting and losing of iij. s. iv. d. for every barrel, half-
barrel, and firkin, so lacking their said measure, and also upon pain of
forfeiting and losing of iij. s. iv. d. for every barrel, half-barrel, and
firkin of herring, contrary to the said act sorted, layed or packed. (6)
Also that no such merchant or pailing-man should sell or put to sale any
eels by barrel, half-barrel, or firkin, except the barrel contain xliij.
gallons, the half-barrel and firkin after the same rate: (7) nor that
any such merchant nor pailing-man should meddle any galbitten, stor-
ven, or pyled eels with good eels, but that the same good eels should be
well and justly packed, and so sold by themselves; nor should meddle
with the said good eels, nor put to sale any red eels, upon pain of for-
feiture and losing of x. s. for every barrel, half-barrel, and firkin, so
lacking their said measure, and upon pain of losing of x. s. for every
barrel,

23 H. 8. c. 3.

37 H. 8. c. 5.

12 H. 7. c. 3.

Rep. 5 El. c. 4.

22 Ed. 4. c. 2.

The contents
of vessels of
salmon, and
how they shall
packed.

The contents
of vessels of
herrings, and
how they shall
be packed.

The contents
of vessels of
eels, and how
they shall be
packed.

How fish
shall be pack-
ed.

Chief magi-
strates of
cities, &c.
shall appoint
gaugers of
fish vessels.

The several
fees of the
gauger, pack-
er, and search-
er, appointed.

barrel, half-barrel, and firkin, so as aforesaid meddled, and contrary to the said act packed or put to sale. (8) And that no merchant, after the said feast, should sell nor put to sale any barrelled fish, except the same fish should well and truly be packed, that is to say, the tale-fish by themselves, and the small fish, called gulls, by themselves, without any meddling of the said small fish with the great fish, and without meddling and packing of tboke and broken-bellied fish with the said tale-fish or small fish; and that neither the tale-fish nor small fish should be laid double in packing; and that every tale-fish should contain in length, from the bone of the fin to the third joint of the tail, xxvj. inches at the least; and that the napes of all such barrelled fish should be no longer than the little bone that sitteth upon the great fin; and that the bone of every such salt fish should be taken away unto the navel of the same fish; and that every such fish should be splatted down to an handfull of the tail, upon pain of forfeiture of losing iij. s. iv. d. for every barrel of fish which from henceforth should be found packed, sorted, and meddled, naped, layed double, or not boned nor splatted according to the said act. (9) And also in eschewing of the common hurts and deceits above rehearsed, the said late King ordained and enacted by the said authority, That all mayors, bailiffs, and governors of cities, towns, boroughs, markets, and all other places of this realm, for the time being, where they should be mayors, bailiffs, and governors, should have power and authority to name and choose a discreet and expert person or persons, duly to search and gauge all such vessels as been above rehearsed, that they should be truly packed, and keep their true measure and assise, according to the ordinances aforesaid, as in the foresaid act thereof made more plainly appeareth. (10) And forasmuch as in the said act no certainty is appointed how much every such gauger, packer, and searcher should take for his labour in executing of their said office, they been their own judges, and at their pleasures take for the same gauging, packing, and searching, by way of extortion, such great sums of money as them liketh, whereby the King's true subjects are greatly impoverished and wronged: (11) that it might therefore please the King's highness, by advice of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, to confirm, ratify, and establish the said act, and every thing therein comprised; (12) and over that, by the same authority to ordain and establish, That every such gauger, packer, and searcher, take no more for gauging of a barrel-salmon, barrel-herring, barrel-fish, barrel-eels, half-barrel, and firkin, for every piece so gauged, but a farthing; (13) and for his labour for searching and packing, if it be need, of a barrel-salmon from head to head, i. d. (14) and for his labour for boning, naping, and packing of a barrel-fish, if it be need, i. d. (15) and for his labour in searching and packing of a barrel-herring, from head to head, if it be needful, ii. d. (16) and for searching and packing of every barrel of eels, ii. d. and for searching and packing of every half-barrel of herring from head to head, i. d. and for every half-barrel eels searching and packing, i. d. and for searching and packing of every firkin of herring, if it be needful, ob. (17) And over that, that all

and every such gauger, searcher, and packer, that misbehaveth or offendeth in any thing concerning the said offices of gauger, searcher and packer, contrary to this act, and so proved before any of the said mayors, bailiffs, or governors of any city, town, borough, market or any other place within this realm where he or they be so gaugers, packers, or searchers, gauger, packer, or searcher, shall lose and forfeit his said office, and the same from thenceforth no longer to enjoy, any lease, grant or grants thereof made notwithstanding; (18) and for further punishment, to have and suffer imprisonment by the space of forty days without bail or mainprife: (19) provided always, That the said searcher and packer, or any of them, shall nothing receive of the said fees by colour of their office, but only for such butts, barrels, half-barrels, and firkins, as by them shall hereafter be sufficiently searched and packed, and be not afore sufficiently packed. This present act to begin and take effect at the feast of *Easter* next coming, and not afore.

The penalty of a gauger, searcher, or packer offending.

Searchers and packers shall not be allowed, but where they take pains.

C A P. XXIV.

An attaint shall be maintainable against the party and petty jury: the process therein, the ability of the jurors, the pleas of the defendant and petit jury, and their punishment being attainted. Panels returned by the sheriff to enquire for the King, may be reformed by the justices. *Last continued by* 1 H. 8. c. 11.

12 H. 7. c. 2.
1 H. 8. c. 11.
3 H. 8. c. 12.
23 H. 8. c. 3.
Raft. Entr. 90.

C A P. XXV.

Perjury committed by unlawful maintenance, embracing, or corruption of officers, or in the chancery, or before the King's council, shall be punished by the discretion of the lord chancellor, treasurer, both the chief justices, and the clerk of the rolls: and if the complainant prove not, or pursue not his bill, he shall yield to the party wronged his costs and damages. *To endure to the next parliament.*

Exp. 5 Bl. c. 90.

C A P. XXVI.

It shall be lawful to every sheriff of the counties of *Southampton*, *Surrey*, and *Sussex*, to impanel and summon xxiv. lawful men of such, inhabiting within the precinct of his or their turns, as owe suit to the same turn, whereof every one hath lands or freehold to the yearly value of x. s. or copyhold lands to the yearly value of xij. s. iv. d. above all charges within any of the said counties, or men of less livelihood, if there be not so many there, notwithstanding the statute of 1 R. 3. c. 4. *To endure to the next parliament.*

E X P.
19 H. 7. c. 16.
3 Inst. 164.

C A P. XXVII.

A remedy to avoid deceitful sleights used upon fustians.

PRAYEN the commons in this present parliament assembled, That whereas fustians brought from the parts beyond the sea unshorn into this realm, have been, and should be the most profitable cloth for doublets and for other wearing cloths, greatly used among the common people of this realm, and longest have endured of any thing that have

come

Unlawful devices practised upon fustians.

A remedy to avoid them.

The lord mayor and shearmen of London may enter and search the occupiers of fustians and cloth.
The lord mayor, or his deputy, &c. may make search.
39 El. c. 13.

come into the same realm from the said parts to that intent, for that the cause hath been that such fustians afore this time have been truly wrought and shorn with the broad shear, and with no other instruments or other deceitful mean occupied upon the same; (2) now so it is, that divers persons by subtil and undue sleights and means, have deceivably imagined and contrived instruments of iron, with the which irons, in the most highest and secret places of their houses, they strike and draw the said irons over the said fustians unshorn; by means whereof they pluck off both the nap and cotton of the same fustians, and break commonly both the ground and threads in sunder, and after by crafty sleeking they make the same fustians to appear to the common people fine, whole, and sound; and also they raise up the cotton of such fustians, and then take a light candle and set it in the fustian burning, which singeth and burneth away the cotton of the same fustian from the one end to the other, down to the hard threads, instead of shearing, and after that put them in colour, and so subtilly dress them, that their false work cannot be espied, without it be by workmen shearers of such fustians, or by the wearers of the same; (3) and so by such subtilties, whereas fustians made in doublets, or put to any other use, were wont and might endure the space of two years and more, will not endure now whole by the space of four months scarcely, to the great hurt of the poor commons and serving men of this realm, to the great damage, loss, and deceit of the King's true subjects, buyers, and wearers of such fustian: (4) for remedy whereof, be it enacted, ordained, and established by the King our sovereign lord, and the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That no such iron or instruments, nor any other untrue subtil mean or sleight be from henceforth used upon any fustian within this realm, but only by the broad shears, (5) upon forfeiture of xx. s. to be levied for every default of every such person or persons hereafter offending and using any such deceivable instruments or sleights, as is aforesaid; the one half of the forfeitures to be to the King our sovereign Lord, and the other half to him or them that will sue for the same forfeitures by action of debt, bill, plaint, or information, in any of the King's courts of record, where the same may be determined after the course of the common law; (6) and that the defendant in such behalf in no wise be admitted to wage his law, nor that any protection or esoin be in the same allowable. (7) And over this, be it ordained by the said authority, that the mayor and wardens of shearmen of the city of London for the time being have authority to enter and search the workmanship of all manner persons occupying the broad shear, as well fustians as cloth: and the execution of this present act to be as well of denizens, as of foreigners and strangers.

Statutes made at *Westminster*, Anno 12 HEN. VII.
and *Anno Dom.* 1496.

THE King our sovereign lord Henry the Seventh after the conquest, by the grace of God King of England and of France, and lord of Ireland, at his parliament holden at *Westminster* the sixteenth day of January, in the twelfth year of his reign, to the honour of God and of holy church, and for the common profit of the realm, and by the assent of the lords spiritual and temporal, and the commons, in the said parliament assembled, and by authority of the same parliament, hath done to be made certain statutes and ordinances, in manner and form following.

CAP. I.

For worsteds, sayes, and flamins, Norff.

TO the King our sovereign lord, prayen your commons in this present parliament assembled, That where the common weal and profit of your inhabitants within your county of Norfolk, have in time passed been by the due occupation of making of worsteds, sayes, and flamins, which occupation now is like to decay, for as much as the occupiers of the same may not have any apprentice, but if his father may dispend lands or rents to the value of xx. s. by year, of which ability can few or none be had to be apprentice; (2) so that for lack of apprentices the said occupation is like to be set apart, and in time to come to be utterly destroyed, which should be the loss of the common weal of your said county, and the impoverishing of the inhabitants of the same: (3) That it may like your Highness of your benign grace in consideration of the premisses, by the assent of your lords spiritual and temporal, and of the commons in this present parliament assembled, and by authority of the same, be enacted, ordained, and established, That every person of the aforesaid occupation within your county of Norfolk, the which the four wardens of the said occupation within your foresaid county yearly chosen, shall enable to keep a prentice, shall by this present act be at liberty to take and keep at all times one or two apprentices any person or persons hereafter put to the foresaid occupation, so that he pass not two at once at the most: (4) And in like wise hereafter every person shall be at liberty to put any apprentice to the aforesaid occupation: any act or ordinance afore made to the contrary notwithstanding.

The makers of worsted, &c. in Norfolk may take any to be apprentice.

7 H. 4. c. 17.
11 H. 7. c. 21.

The makers of worsteds, sayes and flamins in Norfolk, may be enabled to take any person to be an apprentice.
5 El. c. 4.

CAP. II.

The statutes ordained 11 H. 7. c. 24 & 25. to restrain riots and perjury, continued until the next parliament.

EXP.

CAP. III.

A repeal of so much of the statute of 11 H. 7. c. 22. as toucheth only the wages of artificers, &c.

CAP.

C A P. IV.

No forfeiture given by the statute of 1 R. 3. c. 8. touching the length and breadth of cloths, shall be taken before the next parliament.

E X P.

C A P. V.

For weights and measures.

The weight of an English penny, of an ounce, a pound, a gallon, and a bushel.

11 H. 7. c. 4.

The measure of a bushel, a gallon, a pound, an ounce, and a sterling.

31 Ed. 1.

The weights and measures sent to several cities, &c. by the statute of 11 H. 7. c. 4. being defective, shall be broken, and new sent.

WHEREAS afore this time the King our sovereign lord intending the common weal of his people and to avoid the great deceit of weights and measures long time used within this his realm, contrary to the statute of Magna Charta, and of other statutes thereof made by divers of his noble progenitors, at his great charge and cost did do make weights and measures of brass according to old standards thereof remaining within his treasury: (2) and for that, that one weight and one measure should be used throughout this his realm, in avoiding of all fraud and discord in that behalf, it was at the last parliament, holden the xiv. day of October in the xi. year of our said sovereign lord's reign, ordained, That the said measures and weights should be delivered to the knights and citizens of every shire and city assembled in the same parliament, barons of the five ports, and certain burgesses of borough towns, surely by them to be conveyed to certain cities, boroughs, and towns specified in a schedule unto the same act annexed, there to remain for ever, to the intent in the same act more largely declared: (3) which weights and measures upon more diligent examination had sith the making of the said statute, been approved defective, and not made according to the old laws and statutes thereof ordained within the said realm: (4) wherefore the King our sovereign lord, by the assent of his lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, ordaineth, establisheth, and enacteth, that the measure of a bushel contain viij. gallons of wheat, and that every gallon contain viij. li. of wheat of Troy weight, and every pound contain xij. ounces of Troy weight, and every ounce contain xx. sterlings, and every sterling be of the weight of xxxij. corns of wheat that grew in the midst of the ear of wheat, according to the old laws of this land. (5) And that it please the King's Highness to make a standard of a bushel and a gallon after the said assise, to remain in his said treasury for ever; (6) and from henceforth the said new bushels and gallons, lately sent forth, be not used nor occupied for no measures, but that they be sent again unto the King's receipt by the feast of *Whitsuntide* next coming, at the costs and charges of the said cities, boroughs, and towns, having the said bushels and gallons, in keeping, upon pain of x. li. to be forfeited to the King; (7) the same bushels and gallons, so sent again into the King's receipt, to be broken, and with the stuff and metal of the same bushels and gallons, other new bushels and gallons, by the advice of the treasurer and under-treasurer of England for the time being, before the feast of *All Saints* next coming, to be made and sized according to the said bushel and gallon, which by this present act is ordained to be new made, and to remain in the said treasury, at the costs and charges of the same cities, boroughs,

roughs, and towns. (8) And that every city, borough, and town within this realm, which now have, or should have had, by reason of the said act made in the said eleventh year, any of the said new bushels or gallons do convey and carry, before the feast of St. *Andrew* next coming, into every of the same city, borough and town, a bushel and a gallon newly to be made as is afore said, at the costs and charges of the same city, borough, and town, there to remain; (9) and all other bushels, gallons, and measures, which be to be made after the form by this act ordained, be marked and ordered after the form and effect of the said act made the said eleventh year; (10) and in the mean season to use such bushels and gallons, as have been used last afore the coming down of the said new bushels and gallons, and before the making of the said statute in the said eleventh year; (11) and that all penalties in the first act expressed be of none effect until the feast of *Candlemas*, which shall be in the year of our Lord God M.CCCC,XCVII. and after the same feast the same act made in the same eleventh year to stand in full strength, with his penalties, upon the said bushels and gallons new to be made, as it should have done upon the said new bushels and gallons made afore the making of this present act, if this act had not been made. (12) And that it be ordained by the said authority, That after the said new bushels and gallons be made according to this present act, that all other bushels and gallons of brass, remaining as well in the said treasury, as in all other places of *England*, be before the feast of *Christmas* next coming damned and broken, upon pain of xx.li. to be levied upon every city, borough, and town, or any other place, having the keeping of the common measures, that keep still any other bushel or gallon unbroken and not damned, of brass, than is ordained to be made by this present act.

All other bushels and gallons shall be broken.

CAP. VI.

Merchants adventurers.

TO the discreet commons in this present parliament assembled, A petition of certain merchants adventurers, dwelling in divers parts of this realm of *England* out of the city of *London*, that where they have their free passage, resort, course and recourse with their goods, wares, and merchandises into divers coasts and parts beyond the sea, as well into *Spain*, *Portugal*, *Britaign*, *Ireland*, *Normandy*, *France*, *Seville*, *Venice*, *Danike*, *Eastland*, *Friseland*, and other divers and many places, regions, and countries, being in league and amity with the King our sovereign lord, there to buy and sell, and make their exchanges with their said goods, wares, and merchandises, according to the law and custom used in every of the said regions and places, and there every person freely to use themselves to his most advantage, without exaction, fine, imposition, or contribution to be had or taken of them or of any of them, to, for or by any English person or persons; (2) and in semblable wise they before this time have had, used, and of right owen to have and use their free passage, resort and recourse into the coasts of *Flanders*, *Holland*, *Zealand*, *Brabant*, and other places thereto nigh adjoining, under the

obey-

without exaction to be taken, by any English fraternity.

A fellowship of London made an order, that none should buy or sell at a mart without their consent.

The first colour of taking the fine.

The enormities of the order made by the merchants of London.

obeyſance of the archduke of Burgoign, in which places the univerſal marts be commonly kept and holden four times in the year, (3) to which marts all Engliſhmen and divers other nations, in time paſt have uſed to reſort, there to ſell and utter the commodities of their countries, and freely to buy again ſuch things as ſeemed them moſt neceſſary and expedient for their profit, and the weal of the country and parts that they be come from; till now of late, that by the fellowſhip of the merchants and other merchants and adventures dwelling and being free within the city of London, by confederacy made among themſelves, of their incharitable and inordinate covetiſe, for their ſingular profit and lucre, contrary to every Engliſhman's liberty, and to the liberty of the ſaid mart there (which is, that every perſon of what nation that he be of, ſhould have their free liberty there to buy, ſell, and make the commutations with the wares, goods, and merchandiſes at their pleaſure) have, contrary to all law, reaſon, charity, right, and conſcience, among themſelves, to the prejudice of all Engliſhmen, made an ordinance and conſtitution, that is to ſay, That no Engliſhman reſorting to the ſaid marts, ſhall neither buy ne ſell any goods, wares, or merchandiſes there, except he firſt compound and make fine with the ſaid fellowſhip, merchants of London, and their ſaid confederates, at their pleaſure, upon pain of forfeiture to the ſaid fellowſhip of merchants of London, and to their confederates, of ſuch merchandiſes, goods, or wares, ſo by him bought or ſold there; (4) which fine, impoſition and exaction at the beginning, when it was firſt taken, was demanded by colour of a fraternity of Saint Thomas of Canterbury, at which time the ſaid fine was but the value of half an old noble ſterling, and ſo by colour of ſuch feigned holineſs, it hath been ſuſſered to be taken for a few years paſſed; and after it was increaſed to an C. s. Flemiſh; and now it is ſo, that the ſaid fellowſhip and merchants of London, take of every Engliſhman or young merchant being there, at his firſt coming, xx. li. ſterling for a fine, to ſuffer him to buy and ſell his own proper goods, wares, and merchandiſes that he hath there; (5) by occaſion whereof, all merchants not being of the ſaid fellowſhip and confederacy, withdraw themſelves from the ſaid marts, whereby the woollen cloth of this realm, which is one of the great commodities of the ſame, by making whereof the King's true ſubjects be put in occupation, and the poor people have moſt univerſally their living, and alſo other divers commodities of divers and ſeveral parts of this ſame realm is not ſold ne uttered as it hath been in times paſt; but for lack of utterance of the ſame in divers parts where ſuch cloths be made, they be conveyed to London, where they be ſold far under the price that they be worth, and that they coſt to the makers of the ſame, and at ſome times they be lent to long days, and the maney thereof at divers times never paid; (6) and over that, the commodities and merchandiſes of thoſe parts, which the ſaid fellowſhip, merchants of London, and other their confederates, bring into this land is ſold to your ſaid complainants, and other the King's true ſubjects, at ſo dear and high exceeding price, that the buyer of the ſame cannot live thereupon; by reaſon whereof all the cities, towns, and boroughs of this realm in effect be fallen into great poverty, ruin, and decay, and as now in manner they be without hope of comfort or relief,

and

and the King's customs and subsidies, and the navy of the land greatly decreased and minished, and daily they be like more and more to decay, if due reformation be not had in this behalf: (7) Be it therefore enacted by the King our sovereign lord, by the advice and assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That every *Englishman*, being the King's true liege man, from henceforth have free passage, resort, course and recourse into the said coasts of *Flanders, Holland, Zealand, Brabant*, and other places thereto nigh adjoining, under the obeysance of the said archduke, to the marts there hereafter to be holden, with his or their merchandises, goods, and wares, there to buy and sell, and make their exchanges freely at his or their pleasure, without exaction, fine, imposition, extortion, or contribution to be had, levied, taken, or perceived of them, or any of them, to, for, or by any *English* person or persons to his or their own use, or to the use of the said fraternity or fellowship, or of any other like, except only x. *Mark* sterling; (8) and that no person *English*, as is afore heard, hereafter take to his own use, or to the use of the said fraternity or fellowship there, of any other *English* person, of what estate, degree, or condition that he be of, so alway that he be the King our sovereign lord's true liege man, any fine, exaction, imposition, or contribution for his liberty or freedom, to buy and sell any goods, wares, and merchandises, in or at any of the said marts, more or above the sum of ten mark sterling only, upon pain of forfeiture to our said sovereign lord for every time that he doth the contrary of this act, xx. li. and also to forfeit to the parties grieved in this behalf ten times so much as he contrary to this present act taketh of him; (9) and that the parties so grieved shall have in this behalf an action of debt for the said forfeiture of ten times, in any of the King's courts within this realm, by writ, bill, plaint or information; and such process to be made in the same, as is or ought to be made in or upon an action of debt at the common law; (10) and the trial thereof to be had in such shire, city, town, or place where the said action is commenced or sued; (11) and that the defendant in any such action be not admitted to wage his law, (12) nor none essoin nor protection be for such defendant admitted or allowed in that behalf.

Merchants may resort into foreign countries without exactions of the fraternity of Londoners.

No Englishman shall take of another any exaction, &c. for his liberty to buy and sell.

The remedy of the party grieved to recover the forfeiture.

CAP. VII.

Of murder.

WHERE abominable and wilful premeditated murders be by the law of God and of natural reason forbidden, and are to be eschewed; yet not the less, many and divers unreasonable and detestable persons, lacking grace, wilfully commit murder, to the high displeasure of God, and contrary to all the laws aforesaid, (2) and moreover against their natural and obliged duty, wilfully commit premeditated murder, in slaying their master, or their immediate sovereign, under whom be or they be, or owe obedience, in trust to eschew the peril and execution

James Graine
murdered
Richard Tra-
cy his master.

No lay person
which doth
purposely
murder his
master, &c.
shall have his
clergy.

23 H.8. c.1.
1 Ed.6. c.12.

execution of the law by the benefit of their clergy: (3) in hope whereof, of late one James Graine, late of London, yeoman, wilfully assented and prepered the murder of one Richard Tracy gentleman, then his master, by him and his prepered assent, the ninth day of February last past, at Brentwood in the county of Essex, murdered and slain, to the right perilous ensample of other evil disposed: (4) Wherefore, and in avoiding of like mischiefs to ensue, by the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, be it enacted, That the said James Graine, for the murder of the said Richard Tracey his late master, be attainted of the said murder as a felon that hath offended in petty treason; and that the same James, for the same murder, shall be drawn, and hanged in such manner and form, as by the law of this land hath been used in such cases, as persons being no clerks, doing like murder, have or ought to be punished, any privilege of his clergy, or his demand of the same notwithstanding. (5) Also be it ordained by the said authority, That if any lay person hereafter preperedly murder their lord, master, or sovereign immediate, that they hereafter be not admitted to their clergy; (6) and after conviction or attainder of any such person so hereafter offending had after the course of the law, that the same person be put in execution as though he were no clerk.

Statutes made at Westminster, Anno 19 HEN. VII. and Anno Dom. 1503.

HENRICUS Dei gratia Rex Angliæ, & Franciæ, & Dominus Hiberniæ, vicecomiti Essex salutem. Precipimus tibi firmiter injungentes quod in singulis locis infra ballivam tuam tam intra libertates quam extra ubi magis expediens videris, publicas proclamationes quorundam statutorum & ordinationum in ultimo parlamento nostro auctoritate ejusdem parlamenti editorum fieri facias in forma sequenti.

THE King our sovereign lord Henry the Seventh after the conquest, by the grace of God King of England and of France, and lord of Ireland, at his parliament holden at Westminster the sixteenth day of January, in the nineteenth year of his reign, to the honour of God and holy church, and for the common weal and profit of this his realm, by the assent of the lords spiritual and temporal, and the commons, in the said parliament assembled, and by authority of the same parliament, hath done to be made certain statutes and ordinances, in manner and form following.

CAP. I.

For attendance upon the King in his wars.

Stat. 11 H.7.
c.18.

What he shall
forfeit which
doth not at-

WHERE in the parliament holden at Westminster the xi. year of the King our sovereign lord's reign, for good and reasonable considerations in an act of the said parliament contained, it was ordained by the same, That all person and persons being within this

realm

realms of England or Wales, having offices, fees or annuities of the King's gifts and grants, and did not give their attendance upon the King's Highness when he should fortune to go in wars in his person, in their persons as their duty bindeth them in that behalf, that then they and every of them, making thereof default (the King's special licence not had, or else the said person or persons having such unfeigned sickness, letting or disease) that he or they after due proof of the same, should forfeit and leese their said offices, fees and annuities, and the same to stand void at the King's pleasure, as in the same act more at large it is contained: (2) And forasmuch as divers and many persons, having of the King's gifts and grants many honours, lordships, castles, manors, lands, tenements, and other possessions and hereditaments, by reason whereof they are more bound to give their attendance upon the King's most royal person in his said wars, than other rebearfed persons having but fees, offices and annuities for term of life, as well for the defence of his most royal person, as for the defence of this his realm, which was at that time by oversight omitted and left out of the said act: (3) Be it therefore enacted, ordained and established, by the advice of the lords spiritual and temporal in this present parliament assembled, and by authority of the same, that every person or persons having or occupying, or that hereafter shall have or occupy any honours, castles, lordships, manors, lands, tenements, and other possessions and hereditaments, by reason and virtue of the letters patents of the King our sovereign lord that now is, now given, granted and made, or hereafter to be given, granted and made by our said sovereign lord, and give not their daily attendance in their persons upon his Highness when he shall fortune to go in wars, within this his realm or elsewhere, for any urgent, or any other reasonable causes, in his person, for the honour or surety of the same his person, and the defence of this his realm, and against his enemies or rebels within the same realm or without, for the repressing and subduing of them and their malicious purpose, and well and truly according to the duty of their allegiance to serve the King in his said journey and voyage, and to give their attendance upon his grace in the same, and not for to depart without his special licence in writing under the King's sign manual or signet, or under his great seal or privy seal, or else till after general proclamation be made, that they shall depart, or else the said person or persons having such unfeigned sicknesses, letting or disease, that he or they may not in their persons come to do their personal attendance and service, and that duly proved, that then all such letters patents, gifts and grants, and all things in them contained, be utterly from henceforth adnulled, void, and of none effect, and at the King's pleasure. (4) Provided, That all such persons so giving attendance, shall have the King's wages from the time of coming from his house toward the King, when they come to the King, and from the King home again at the time of their departing, after the rate of xx. miles for a day, and while they be with the King's grace to have also the King's wages. (5) Provided also, That this act extend to no

tend upon the King in his own person, when he is in person in wars. 6 Co. 27.

Whosoever doth not attend upon the King being in person in wars, shall lose such lands as he hath of the King's gift.

From what time, and until what time every such attendant in wars shall be paid wages. To what persons this sta-

tute shall not
extend.

spiritual person, nor to the master of the rolls, nor to none other officer, and clerks of the chancery, justice of either benches, barons of the King's Exchequer, and other officers and clerks of the said places, the King's attorneys and solicitors, and the serjeants at law, nor to the clerk of the King's council for the time being, nor to any person being above the age of sixty years, nor to any person being within the age of twenty one years, nor to any grant or patent of any ward or idiot, or custody of the same, nor to any heirs females inherited by reason of any such grants. (6) Provided also, That it extend not to any patents, nor lands or tenements comprised in the same, the which patents make mention, that any grant is made by the King of such lands for certain sum or sums of money contained in the same letters patents.

Dy. 211.

CAP. II.

No custom shall be paid for good bow-staves brought into this realm until the next parliament.

CAP. III.

The statute of 11 H. 7. c. 24. which giveth an attain in certain cases, continued until the next parliament.

REP.

3 H. 8. c. 13.

6 H. 8. c. 13.

25 H. 8. c. 17.

33 H. 8. c. 6.

CAP. IV.

No man shall shoot in a cross-bow without the King's licence, except he be a lord, or have two hundred mark land.

CAP. V.

Coin.

THE King our sovereign lord, seeing evidently that his coin, and specially of silver, is sore impaired, as well by clipping thereof, as counterfeiting of the same, and by bringing into this his realm of the coin of Ireland, by occasion whereof great rumour and variance daily increaseth among his subjects for taking and refusing of the same: (2) for ceasing and pacifying whereof, and for the universal weal of this his realm, by the advice and assent of his lords spiritual and temporal, and the commons in this present parliament assembled, and by authority of the same, hath ordained, established, and enacted, That all manner of gold of the coins of a sovereign, half sovereign, ryal, half ryal, and the fourth part of a ryal, the angel, and the half angel, and every of them, being gold, whole and weight, shall go and be current in payment through all this his realm for the sum that they were coined for. (3) And also that as well all manner groats of *English* coin, and of the coin of other lands now current in this realm for groats, or for iv. d. being silver, and not clipped, minished, or otherwise impaired, except reasonable wearing (albeit they be cracked) as all manner of half groats, or pence of ij. d. of *English* coin, or of the coin of other lands, now current in this realm for half groats, or for ij. d. not clipped, minished, or otherwise impaired, being silver (howbeit they be cracked) shall in likewise go and be current through all the same realm for the sum as they were coined for, (4) And

The coins of gold and silver current within this realm shall so continue for the sums that they were coined.

over that, That all manner of pence being silver, and having the print of the King's coin, shall have course, and be current for payment, as well to him in all his receipts, as to all his receivers, and to all other lords spiritual and temporal, and their receivers, and to all other within this his realm, without any manner refusal or contradiction; except only pence bearing spurs, or the mullet, betwixt the bars of the cross; and those pence so bearing the print of the spur, or the mullet, to have course for half d. and not above. (5) And if any person hereafter refuse any coin afore rehearsed, to take it in payment after the effect and the tenor of this act, that then he that so refuseth it shall be compelled by the mayor, sheriff, bailiff, constable, or other chief officer or governor of the town or place where any such payment shall be refused, to accept and take the same payment, (6) and furthermore to be imprisoned, or otherwise punished by the discretion of the said mayor, sheriff, bailiff, constable, or other chief officer or governor afore rehearsed. (7) And if the said mayor, sheriff, bailiff, constable, or other chief officer or governor refuse to take any such coin in payment, as it is above rehearsed, that then he so refusing the said payment, to be compelled by the justices of the peace of the same county where such payment shall be so refused, to accept and take the same payment, and he so refusing the same, to be further punished for the said refusing by the discretion of the same justice. (8) And also it is ordained by the said authority, That all manner of groats and half groats, or pence of ij. d. as well *English* coin, as coin of other lands, clipped, minished, or otherwise impaired, except reasonable wearing, shall not go nor be in any wise current for payment within this realm, but utterly to be refused and forsaken in payment from henceforth: (9) And that notwithstanding it shall be lawful to any person having any such groats or pence of ij. d. clipped or minished, to bring the same to the King's mint, there to be changed after the custom of the same mint, or convert the same into plate, bullion, or otherwise sell or imploy it to his most profit and advantage within this realm, any other act or acts to the contrary in any wise notwithstanding. (10) And in eschewing and avoiding of such clipping in time to come, the King our sovereign lord, by the advice of his council, hath caused to be made new coins of groats, and pence of ij. d. and that every piece of the same coins shall have a circle about the utter part thereof; (11) and also that all manner of gold hereafter to be coined within this his realm shall have the whole scripture about every piece of the same gold, without lacking of any part thereof, to the intent that his subjects hereafter may have perfect knowledge by that circle or scripture when the same coins be clipped or impaired. (12) And also it is enacted by the said authority, That if the warden and controller of the King's mints hereafter duly execute not their offices in searching the same coins, and see that it be made perfect in form aforesaid, before that it pass from the said mint, that then the same warden and controller

What pence shall be current within this realm, what not.

The penalty of those that refuse to receive the coins in payment.

The penalty if a chief officer refuse to take any of the said coins in payment.

Money clipped or diminished shall not be current in payment.

How any person may use money that is clipped or diminished.

17 R. 2. c. 1.

A remedy to prevent clipping of the coin.

No money,
plate, or bul-
lion shall be
carried into
Ireland above
vi.s. viii.d.
9 Ed.3.stat.2.
c.1.
5 R.2.stat.1.
c.2.
2 H.4 c.5.
No Irish coin
of gold or sil-
ver shall be
brought into
England.

shall forfeit their said office, and make fine for the same at the King's pleasure. (13) Moreover it is enacted by the said authority, That no manner of person shall carry nor convey, nor cause to be carried or conveyed, out of this realm, any bullion, plate, or coin of gold and silver into *Ireland*, over and above the sum of vj.s. viij.d. nor convey any such bullion, plate, or coin into any ship, boat or other vessels to the said intent, upon pain to forfeit the said bullion, plate, or coin, and to have imprisonment, and make fine and ransom at the King's will: (14) And in like wise, That no manner person bring nor convey, nor cause to be brought nor conveyed, any manner of coin of gold or silver above the sum of iii. s. iv. d. of the coin of *Ireland* into this realm, upon pain of forfeiture of all the same coin above the said sum of iii. s. iv. d. so brought into this realm, and to have imprisonment, and to make fine and ransom at the King's pleasure; (15) and that it shall be lawful for every of the King's subjects to take and seise all such money of the coin of *Ireland*, hereafter to be brought or conveyed into this realm, over and above the said sum of iij. s. iv. d. and to bring it to the King's mint, there to leave the same to the King's use; (16) and every person that so shall bring any such *Irish* money to the said mint, shall have the value of the one half of all such *Irish* money by him so brought to the said mint at the same time delivered to him to his own use by the master of the mint for the time being.

CAP. VI.

Pewterers walking.

Several evil
practices used
by pewterers
and brasiers.

TO the King our sovereign lord, and to the noble lords spiritual and temporal, and commons, in this present parliament assembled, humbly and lamentably shewn and complain unto your most abundant grace, your humble subjects the pewterers and brasiers of your cities of London and York, and of all other places of this your realm, That whereas many simple and evil disposed persons of this your realm of England, using the said crafts, daily go about this your realm from vil-
lage, from town, and from house to house, as well in woods and forests, and in other places, to buy pewter and bras; (2) and that knowing thieves and other pickers that steal as well pewter and bras belonging to your Highness, and under your mark, and to the lords spiritual and temporal, as to other your subjects of this your realm, bring such stolen vessels unto them in such hid places to sell, and sell it for little or nought, and about they bring it into privy places or into corners of cities or towns, and there sell much part of it to strangers, which carry it over the sea by stealth: (3) also the said persons so going about, and divers other using the said crafts, use to make new vessels, and mix good metal and bad together, and make it naught, and sell them for good stuff, where indeed the stuff and metal thereof is not worth the fourth part that it is sold for, to the great hurt, deceit, and loss of your subjects: (4) also divers persons using the said crafts, have deceivable and untrue beams and scales, that one of them would stand even with twelve pound weight at one end against a quarter of pound at the other end, to the singular advantage of themselves, and

to the great deceit and loss of your subjects, buyers and sellers with them.

(5) For reformation of the premises, it would please your highness of your most abundant grace, with the advice of the lords spiritual and temporal, and the commons in this present parliament assembled, and by authority of the same, to enact and establish, That no person or persons using the said crafts of pewterers and brasiers, from henceforth shall sell or change any pewter or brasse, new or old, at any place or places within your realm, but only in open fairs or markets, or in their own dwelling-houses, but if they be desired by the said buyers of such ware, upon pain of forfeiture to our sovereign lord the King for every such default x. li. (6) Also that by the same authority it may be enacted and established, That no person ne persons, of what condition or degree soever he or they be of, from henceforth within the said cities of *London* and *York*, or without, either cast or work any pewter vessel or brasse at any place or places within this your realm, but that it be as good fine metal as the pewter and brasse cast and wrought after the perfect goodness of the same within the city of *London*, and by the statutes of the same ought to be, upon pain of forfeiture of all such pewter and brasse so cast and wrought of worse pewter or brasse than ought to be wrought in the same cities; that one half of every such forfeiture to be to the use of your highness, and that other half to the use of the finders thereof. (7) Provided alway, That this forfeiture in no wise stretch ne extend to brasse or pewter being in the possession of any person other than the workers of the same, or such as have the same to sell, and being of the crafts or mysteries. (8) Also that it may by the same authority be enacted and established, That no manner person or persons, of what degree or condition soever he or they be of, from henceforth make no hollow wares of pewter, that is to say, salts and pots that are made of pewter called *Ley-Metal*, but that it may be after the assise of pewter ley-metal wrought within the city of *London*; (9) and that the makers of such wares shall mark the same wares with several marks of their own, to the intent that the makers of such wares shall avow the same wares by them (as abovesaid) to be wrought; (10) and that all and every such wares not sufficiently made and wrought, and not marked in form abovesaid, found in the possession of the same maker or seller, to be forfeited; (11) and if the same ware be sold, the said maker to forfeit the value of the same ware so unlawfully wrought and sold; the one half of the said wares, or the moiety of the value thereof, to be to the use of your highness, and the other half to be to the use of the finder or finders, or searchers thereof. Also that it may be by the same authority enacted and established, That if any person or persons hereafter using, buying, and selling of pewter or brasse, that hereafter occupy any deceivable or false beams or weights of the said wares, that every such person or persons using or occupying such deceivable and untrue beams or weights, to forfeit xx. s.

Of what goodness pewter and brasse ought to be.

Of what assise hollow ware of pewter made of ley-metal shall be.

The makers shall set on their marks. The forfeiture for defaults. The penalty for using of false beams and weights in selling or buying of pewter and brasse.

The punishment of the offender if he be not able to pay the money forfeited.

the one half to the King, and the other half to the party that therefore shall sue by action of debt ; (12) and that in the said action no protection nor essoin shall be allowed ; and also the said party so offending shall forfeit his beams to him that shall seise it ; (13) and if the said offender or offenders be not sufficient to pay the said sum or sums by them so forfeited, that then it shall be lawful to the mayors, bailiffs, or other head officers of such place or places where any such offender or offenders shall be found, to put them in the stocks, and them so to keep till the next market-day next adjoining, and in the market-place to put them in the pillory all the market-time. (14) And furthermore, That it be lawful by the said authority, That the master and wardens of the said craft of *Pewterers*, within every city and borough of this realm where such wardens are, and, where no such wardens are, the head or governor of the same city or borough, to appoint certain persons most expert in the knowledge of the same, to make search within the said cities or boroughs where they dwell. (15) And over this, the justices of peace with in every shire, at their general session holden at *Michaelmas*, shall assign and appoint two certain persons having experience therein, to make search in the premises in every part of that shire, as well within the franchise as without, saving in cities or boroughs where searchers be appointed by the heads and governors of the same ; (16) and that of all such unlawful pewter and brass as the said searchers shall find, the one half to the use of your grace, and the other half to the said searchers ; (17) and that in the default of the said masters and wardens of the said occupations not searching in form as is aforesaid, and whereby that any such unlawful metal is cast or made, or unlawful weights used, that then it shall be lawful to any person or persons having sufficient cunning and knowledge in the said occupations, by oversight of the mayors, bailiffs, and head officers of the said cities and boroughs, to search all the said places, and to put the said authority and act in execution in form aforesaid. (18) Provided alway, That this present act continue and endure to the next parliament and no longer.

Searchers of pewter and brass within a city or borough, to be appointed by justices of the peace.

Made perpetual by 4 H. 8. c. 7. f. 6.
See 25 H. 8. c. 9.
33 H. 8. c. 4.

CAP. VII.

For making of statutes by bodies incorporate.

Hob. 210.
25 H. 6. c. 6.

PRAYEN the commons in this present parliament assembled, That where in a parliament holden at Westminster the fifteenth year of the reign of the blessed King Henry the Sixth, for that that masters, wardens, and people of guilds, fraternities, and other companies incorporate, dwelling in divers parts of the realm, oftentimes by colour of rule and governance to them granted and confirmed by charters and letters patents of divers Kings, made among themselves, many unlawful and unreasonable ordinances, as well in prices of wares as other things, for their own singular profit, and to the common hurt and damage of the people : (2) it was enacted, That there should from henceforth no such masters, wardens, nor companies, make nor use no ordinance

names in disheritance or diminution of the prerogative of the King, nor of other, nor against the common profit of the people, nor none other ordinance of charge make and use, but if it were first discussed and proved by good and reasonable advice by the justices of the peace, or the chief governors of cities, and before them entered of record, (3) and that upon pain to lose and forfeit the force and the effect of all the articles in their said letters patents and charters contained concerning the same, and over that to lose and pay x. li. to the King for every ordinance that any of them made or used to the contrary; (4) and this ordinance to endure at the King's pleasure, as in the same act it appear- 22 H.8.c.4. eth; (5) which act is now expired, and fith the expiring of the same, divers and many ordinances have been made by many and divers private bodies corporate within cities, towns, and boroughs, contrary to the King's prerogative, his laws and the common weal of his subjects :

(6) Be it therefore ordained, established, and enacted by the King our sovereign lord, by the advice of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That no masters, wardens, and fellowships of crafts or mysteries, nor any of them, nor any rulers of guilds or fraternities take upon them to make, any acts or ordinances, ne to execute any acts or ordinances by them heretofore made, in disheritance or diminution of the prerogative of the King, nor of other, nor against the common profit of the people, but that the same acts or ordinances be examined and approved by the chancellor, treasurer of England, or chief justices of either benches, or three of them, or before both the justices of assise in their circuit or progress in that shire where such acts or ordinances be made, upon pain of forfeiture of xl.li. for every time that they do contrary. (7) And over that it is enacted, That none of the same bodies corporate take upon them to make any acts or ordinances to restrain any person or persons to sue to the King's highness, or to any of his courts for due remedy to be had in their causes, ne put ne execute any penalty or punishment upon any of them for any such suit to be made, upon pain of forfeiture of xl. li. for every time that they do the contrary. And this act to begin and take effect at the feast of Pentecost next coming, and from thenceforth.

No masters or wardens of fellowships shall make any new ordinances without the consent of the chancellor, treasurer, or justices. 22 H.8.c.5.

No order shall be made to restrain suits in the King's court.

CAP. VIII.

Shewage, scavage.

TO the King our sovereign lord, prayen the commons in this your present parliament assembled, That where the merchants and inhabitants of divers cities, boroughs, and towns within this realm, and as well divers tenants of our said sovereign lord the King, as of other, that have by grants made by the noble progenitors and predecessors of our said sovereign lord, as well to them by such name or names as they or any of them be corporate, as by grants made unto divers lords both spiritual and temporal, and by prescription, that they, their tenants, residents and inhabitants within their several lordships, boroughs, and towns,

No scavage or shewage shall be paid for merchandise customed.

The penalty for disturbing any person to sell his merchandise for nonpayment of scavage.

Scavage to be taken by the mayor and sheriffs of London.

towns, should be quit and discharged of divers and many customs, as of tolls and of other exactions demanded and asked by divers mayors, sheriffs, bailiffs, and other officers of divers cities, boroughs, and towns within this realm, for their singular lucre, of merchants denizens and of the King's true subjects born dwelling and inhabiting within this realm, contrary to their said privilege, and lately more and otherwise than in times passed, have distrained, levied, and taken of them a certain custom called Scavage, otherwise called Shewage, to their great charge and trouble, which scavage was never used to be taken or levied but only of merchant strangers: (2) Be it therefore ordained, established, and enacted by the King our sovereign lord, and by the assent of the lords spiritual and temporal, and the commons in this present parliament assembled, and by authority of the same, That if any mayor, sheriff, bailiff, or other officer in any city, borough, or town within this realm, distrain, take, or levy any custom called Scavage, otherwise called Shewage, of any merchant denizen, or of any other of the King's subjects denizens, of or for any manner of merchandise to our sovereign lord the King before truly customed, that is brought or conveyed by land or by water, to be uttered and sold in any city, borough, or town in this land; or if that any mayor, sheriff, bailiff, or other officer in any city, borough, or town, for nonpayment of the said scavage, let or disturb any merchant, or any other person or persons, being denizens, to sell and utter their merchandise by them brought into any city, borough, and town, that then every mayor, sheriff, bailiff, or other officer distraining, levying, or taking any such scavage, or otherwise offending in any thing contrary to this present act, shall forfeit for every time he so offendeth, xx. li. the one moiety thereof to our sovereign lord the King, and the other moiety thereof to the party in that behalf grieved, or to any other that first sueth in that party by action of debt in any shire within this realm to be sued, (3) and that the defendants in any such action be not admitted to wage or do their law, nor any protection ne essoin for any such defendants be allowed in the same. (4) Provided alway, That the mayor, sheriffs, and commonalty of the city of London, and every of them, shall have and take all such sums of money for the said scavage, and of every person denizen, as by our sovereign lord the King, and his honourable council shall be determined to be the right and title of the mayor, sheriffs, and commonalty of the said city of London, or any of them, this act in any wise notwithstanding.

CAP. IX.

Process in actions upon the case sued in the King's bench and common pleas

FORASMUCH as before this time there hath been great delays in actions of the case, that hath been sued as well before the King in his bench, as in his court of his common bench, because of which delays many persons have been put from their remedy: (2) be it therefore ordained, enacted, and established by the King our sovereign lord, by the advice and assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That like process be had hereafter in actions upon the case, as well sued and hanging, as to be sued, in any of the said courts, as in actions of trespass or debt.

What process shall be awarded in actions upon the case sued in the king's bench, or common bench. Bro. exigent. 29. 1 Sid. 148, 259, 260.

CAP. X.

Sheriffs.

BE it ordained, established, and enacted by the King our sovereign lord, by the advice, and assent of his lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That every sheriff within every county within this realm of England have the custody, rule, keeping, and charge, from the *Quindecim Pasche* next coming, of every of the King's common gaols, prisons, and prisoners in the same, in every of the said counties where he is sheriff, during the time of his office, except all gaols whereof any person or persons spiritual or temporal, or body corporate, have the keeping of estate of inheritance, or by succession; (2) and from the same *Quindecim* of *Pasche* next coming, that all letters patents made to any person or persons for term of life or lives, or for term of years, of the keeping of the said gaols, and of any constableness of any castle, wherein any such common gaol is, by the King our sovereign lord, or any other Kings of this land, and every thing in the said letters patents contained, be from henceforth repealed, adnulled, void, and of no force ne effect in the law: (3) and that every such sheriff, from the said *Quindecim* of *Pasche*, be charged and chargeable with the said gaols, prisons, and the prisoners remaining in the same. (4) And over that, where divers and many persons, for treason, murder, robberies, and other felonies, before this time have been taken, some for suspicion of the same deeds, and some upon indictments, and thereupon brought unto the same gaols and prisons, and sometime remained in the keeping of the persons that so arrested them for the said causes, and by colour of negligence, subtilly and craftily, and oftentimes for favour, mede, affection, or corruption, suffered the said offenders to escape, as if it had been by negligence, to the overt and express impediment of justice, and execution of the King's laws ordered for the punishment of such offenders; (5) and when such escapes have been found before the justices having authority to enquire thereof, and thereupon the parties convicted, or else yielded themselves to make fine for

The sheriffs shall have the keeping of the common gaols, and the prisoners therein. 14 Ed. 3. stat. 1. c. 10.

Several penalties for the negligent escape of several sorts of offenders. Exp.

A saving of other men's rights for escapes and fines for the same. The penalty for negligent escapes before the prisoner be brought to the gaol. Exp.

Letters patents of offices not requiring actual exercise shall be void.

The continu-

for the same, small fines have been used to be set in those causes, to the little dread and fear, and great imboldening of the said offenders and misdoers; by mean whereof great and errand felons, and heinous murderers, oftentimes have by negligence escaped, so that neither they, nor the keepers of them from whom they escaped, hitherto have not been punished according to their demerits: (6) Be it therefore enacted, ordained, and established by the said authority of this present parliament, That for every negligent escape hereafter from any sheriff, having the keeping of any gaol, or from any constable of castle, or other, being keeper of any gaols where such prisoners accustomed have been and shall be kept, of persons indicted of high treason, being in their keeping, that no less fine be set or made for every such escape, than C. mark, and more, by the discretion of the justices that shall assess such fines; (7) and for every person escaping, being in their keeping for suspicion of high treason, no less fine to be set ne made than xl. li. (8) and for every escape of persons indicted of murder or petit treason, xx. li. at the least, and more, by the discretion of the justices that shall assess such fines; (9) and for every escape of persons suspected of murder or petit treason, x. li. or more, by the discretion of the justices that shall assess such fines; (10) and for every person escaping, being in their keeping, indicted of felony, other than murder or treason, x. li. and for every person suspected of felony, other than murder or treason, as is aforesaid, to forfeit for every such escape C.s. or more, by the discretion of the justices, after the manner and quantity of their offences or demerits, (11) saving to every person or persons, their heirs, and their successors, such sufficient and lawful right and title to any such escapes, and fines for the same, or to be quit of such escapes, or of any other escapes, as they have or ought to have at the time of making this act; this act, or any clause contained in the same in any thing notwithstanding. (12) And if any person hereafter have any prisoner in his keeping, arrested for suspicion of felony, treason, or murder, and that person that so is arrested, escape by negligent keeping before that he be brought to the gaol, that that person from whom he so escaped, shall forfeit for every person that so doth escape, such fines as shall be set by the discretion of the justices that shall have authority to assess such fines, as the case shall require, and the same forfeiture to go to them that be intitled to have such forfeiture at the time of making this act. (13) And moreover, be it enacted and ordained by the said authority, That all offices of constables of castles, fortresses, or other places, and all other offices within this realm of *England* or *Wales*, not requiring actual exercise in any of the same offices by them to whom such grant or office is made or granted, or by their deputy or deputies, granted by the King our sovereign lord that now is, to any person or persons for term of life or lives, and the letters patents of the same, shall be from the Feast of *Pasche* next coming utterly repealed, adnulled, void, and of no force ne effect in the law. (14) And this act, as concerning the penalties aforesaid, and

and every of them, to endure to the next parliament, and no longer. (15) Provided always, That neither the sheriff of the county of *Surrey* for the time being, nor any other sheriff, have any rule, custody, or governance of the gaols of the *King's bench* and *Marshalsea*, or of either of them, by reason or by authority of the said act; but that Sir *Thomas Brandon* knight, and Sir *John Digby* knight, and either of them, have and enjoy the custody and keeping of the same gaols, according unto their several grants to them made, this act notwithstanding. (16) Provided always, That the said act of resumption, or any articles therein contained, extend not, ne be in any wise hurtful or prejudicial to *Edward Courtney* earl of *Devon*, for the avoiding and repealing of any letters patents, or grant to him made by the King our sovereign lord, of and for the constableness of the castle of *Reftermell*, otherwise called *Reformin*, in the county of *Cornwall*, but that such letters patents or grants of the same office, be of as great force, strength, and effect, and to the said earl as available, as they should or might have been, if the said act of resumption had never been had ne made. (17) Provided always, That this act of resumption, or any other act made or to be made in this present parliament, extend not, ne in any wise be hurtful or prejudicial unto any manner of grant made by the King our sovereign lord by his letters patents to *John Morgan*, of or for the parkership of the park of *Carlion* with the profits of the same within the lordship of *Uske* in *South Wales*; but that the said letters patents, and every thing in them contained, be from henceforth good and effectual to the said *John*, according to the tenor and purport of the same, the foresaid act or acts in any wise notwithstanding.

ance of this act concerning penalties. The sheriff of Surrey shall not have the keeping of the King's bench and Marshalsea. Edward Courtney earl of Devonshire's patent except.

John Morgan's patent except.

II. Provided always, That this act of resumption, nor any other act or acts of resumption, or repealing or avoiding of any our letters patents in this present parliament made or to be made, extend not, nor be prejudicial to our trusty and well-beloved servant *Henry Wyatt*, late clerk of our jewels, as of, to, and for our letters patents to him, and to *Thomas Fitzwilliam*, late deceased, by us made and granted the iv. day of *April*, in the v. year of our reign (among other) of the offices of constable and porter of our castle of *Conysborough*, in our county of *York*, to have, occupy, and exercise for term of their lives, and of either of them overliving, nor to any wages, fees, profits, and commodities to the same offices, or either of them belonging to be perceived; nor also as to and for the office of constableness of our castle of *Tykhill*, parcel of our duchy of *Lancaster*, in our said county of *York*, and of the office of porter or portership of the same castle to him by our letters patents under the seal of our duchy of *Lancaster*, bearing date the xxv. day of *June*, in the xv. year of our reign, granted during our pleasure; nor to or for any fees or wages to or for the same in any wise belonging or to be perceived; nor over that, of, to, or for the office of warner or warner'ship of the warren of *Methwolde*, in the county of *Norfs*, parcel of our said duchy of *Lancaster*, to him by

us by our letters patents under the seal of our said duchy granted for term of his life; nor to or for any wages and fees to the same office pertaining, or for the same yearly to be perceived or had in any manner wise; but that every of the said letters patents, and all things in them and every of them contained, be good and effectual to him in all things, according to the form, purport, and effect of the same letters patents, and of either of them, this act notwithstanding.

CAP. XI.

For deer-hays and buck-stalls.

FORASMUCH as it is well understood and known, that the greatest destruction of red deer and fallow within this realm in time past hath been, and yet is, with nets called deer-hays and buck-stalls, and stalking with beasts, to the great displeasure of our sovereign lord the King, and of all the lords and other noblemen within this his realm, having forests, chases, or parks in their possessions, rule, or keeping; so that if the said nets or stalking should unlawfully be used and occupied in time coming, as they have been in time past, the most part of the forests, chases, and parks of this realm should be therewith destroyed: (2) Be it therefore established and enacted, by the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That any person or persons, spiritual or temporal, having no park, chase, nor forest of their own, keep, nor cause to be kept any nets called *Deer-hays*, or *Buck-stalls*, by the space of a month next after the proclamation of this act made; (3) upon pain of forfeiture for every month that he or they so keep or cause to be kept the same nets, hays, or buck-stalls, x. li. (4) And that no person from henceforth stalk, nor cause any other person to stalk, with any bush or beasts to any deer, being in any park, chase, or forest, or without, but if it be within his own ground, chase, forest, or park, without licence of the owner, master of the game, or keeper of the same ground, chase, forest, or park, upon pain of forfeiture for every time that he or they so stalketh, x. li. (5) And furthermore, That no person ne persons without his own ground slay, take, or cause to be taken by mean of craft or engine, any herons, without it be with hawking, or with a long bow, upon pain of forfeiture for every heron taken or slain vi.s. viii.d. (6) And that no person or persons without his or their own ground take any young herons out of the nest, without licence of the owner of the ground where the said nest is, upon pain of forfeiture for every heron so taken out of the nest, x.s. (7) And that every man that will, may and shall be admitted to sue for every of the said forfeitures by action of debt, and like process to be had and made therein, as in other actions of debt at the making of this act; (8) and that the defendant be not admitted to tend nor to do his law in any such action, nor any essoin nor protection to be allowed for the defendant in the same. (9) And that two justices of peace in their sessions, shall have authority to call before them any person suspected of the premises,

The penalty for keeping of deer-hays or buck-stalls.

The penalty for stalking, or causing another to stalk at a deer without licence.

The penalty for taking of young herons out of the nest.

Two justices of peace may examine any persons suspected, and punish them.

ses, and by their discretions to examine them in the premisses. (10) And if by their examination the party so examined be found in default contrary to the premisses, then that person so found in default to be committed to prison till he have found surety for payment of the same forfeitures to the King; (11) and that those justices that so examine them, shall have the tenth part of every such forfeiture for their labour in that behalf.

CAP. XII.

An act touching the punishment of vagabonds for their first offence, and for their second offence, and of them that do relieve them. A remedy to provide for beggars not able to work. Which officers and persons may punish vagabonds, and their penalty if they do not. *Exp. 39 El. c.4.* (2) Certain persons prohibited to play at unlawful games. *Exp. 33 H. c.9.* (3) Two justices of peace may reject common selling ale or beer. *Altered 5 & 6 Ed. 6. c.25. & Rep. 21 Jac. 1. c.28.*

CAP. XIII.

Riot.

WHEREAS in the parliament holden at Westminster the 13 H. 4. c.7. Tuesday the morrow next after All souls, the thirteenth year of the reign of King Henry the Fourth, among other things it was enacted, ordained, and established, That if any riot, assembly, or rout of people against the law, were made in any part of the realm, that the justices of the peace, three or two of them at the least, and the sheriff or under-sheriff of the county where such riot, assembly, or rout should be done, after the same statute, should come with the power of the shire (if need should be) to arrest them, and them should arrest; (2) and the same justices and sheriff, or under-sheriff, should have power to record that that they should find so done in their presence against the law, (3) and that by the record of the same justices and sheriff, or under-sheriff, the same trespassers and misdoers should be convicted in manner and form as it is contained in the statute of forcible entries; with divers and many other articles touching and concerning the premisses, as in the same statute made the said xiiij. year more plainly at large it appeareth, (4) which statute is thought good and necessary: wherefore by the advice and assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, Be it therefore ordained, established, and enacted, That the said act made in the said xiiij. year of King Henry the Fourth, concerning riots, assemblies, and routs of people, and all and every article and articles comprised in the same, and also all other statutes before this time made concerning the punishment of rioters, at the time of the making of this act being in force, from henceforth stand in their force, and be duly put in execution after the tenors and purports of the same. (5) And forasmuch as in the said statute made in the said xiiij. year, it is not expressed of what sufficiency the jurors impelled should be, or what issues they should lose, if they appear

Jurors impelled to inquire of riots, and the issues thereupon.

The punishment of maintainers, whereby a riot is not found.

2 H. 5. stat. 1. c.8.

appear not, nor no mention therein made of any punishment of the maintainers and embracers of the jurors that so shall be impanelled, should have for their misdemeanors, if any be: (6) It is therefore furthermore enacted by the said authority in this present parliament, That if any riot, rout, or unlawful assembly, be committed and done at any time after the first day of May next coming, within this realm of England, that the sheriff having a precept directed to him, shall return xxiv. persons dwelling within the shire where such riot, rout, or unlawful assembly shall be so committed and done, whereof every of them shall have lands and tenements within the same shire to the yearly value of xx.s. of charter land or freehold, or xxvi.s. viii.d. of copyhold, or of both, over and above all charges, to inquire of the said riot, rout, or unlawful assembly. (7) And he shall return upon every person so by him impanelled, in issues, at the first day xx.s. and at the second day xl.s. if they appear not and be sworn to inquire of the premises at the first day. (8) And if default be in the sheriff or under-sheriff, for returning of other persons, not being of the said sufficiency, or return not issues in form aforesaid, that then the said sheriff shall forfeit to our sovereign lord the King, for either default therein, xx. li. (9) And if the said riot, rout, or unlawful assembly be not found by the said jury, by reason of any maintenance or embracery of the said jurors, then the same justices and the sheriff, or under-sheriff, over and above all such certificate that they must and be bound to make, according to the said statute made the said xiiij. year, shall in the same certificate certify the names of the maintainers and embracers in that behalf, if any be, with their misdemeanors that they know, upon pain of every of the said justices and sheriff, or under-sheriff, to forfeit xx. li. if the same justices and sheriff, or under-sheriff, have no reasonable excuse for non-certifying of the same; (10) which certificate so made shall be of like force and effect in the law, as if the matter contained in the same were duly found by the verdict of twelve men: (11) and every person duly proved to be a maintainer or embracer of the same shall forfeit to our said sovereign lord xx. li. and as well the same maintainers as the embracers shall be committed to ward, there to remain by the discretion of the justices.

CAP. XIV.

The penalty for giving or taking any livery, &c. or for retaining, or being retained with another, during the King's life.

CAP. XV.

Several charges imposed upon the lands and persons of Cestuy que use.

PRAYEN *The commons in this present parliament assembled, that where divers and many persons be defrauded of their execution, as well of and upon recognisances, statutes of the staple, statutes-merchants to them made, as of their debts and damages recovered in actions of debt, trespasses, or other actions: and so in like wise the lords of whom any lands and tenements be holden in socage, of their reliefs, and some-*
time

How many jurors shall be returned to inquire of a riot, and of what sufficiency they shall be.

What issues shall be returned upon the jurors.

The sheriff's forfeiture for omitting his duty.

Certificate of the maintainers and embracers.

Carthew, 383.

The forfeitures of maintainers and embracers, whereby a riot is not found.

1 R. 2. c. 7.

1 H. 4. c. 7.

2 H. 4. c. 21.

8 Ed. 4. c. 2.

7 H. 4. c. 14.

The several inconveniences that many did receive by Cestuy que use.

time of their heriots, by reason that he so being bound or condemned, and also he that of right ought to be very tenant to the lord of whom such lands and tenements be holden, causeth by fine, feoffment, recovery, or otherwise, divers persons to be seised of the said lands, tenements, and other hereditaments only to his use, he taketh the profits of the same, to the great hurt, deceit, and defraud of the King's true liege people within this his realm, if that remedy be not therefore purveyed. (2)

In consideration whereof, be it ordained, established and enacted by the King our sovereign lord, by the assent of the lords spiritual and temporal, and the commons in this present parliament assembled, and by authority of the same, That from henceforth it shall be lawful for every sheriff, or other officer, to whom any writ or precept is or shall be directed at the suit of any person or persons, to have any execution of any lands, tenements or other hereditaments, against any person or persons of, for and upon any condemnation, estatute-merchant, estatute of the staple, recognisance hereafter to be made or had, to do, make and deliver execution unto the party in that behalf suing, of all such lands and tenements, as any other person or persons be in any manner of wise seised, or hereafter shall be seised in any wise, to the only use of him against whom execution is so sued, like as the said sheriff or other officer might or ought to have done if the said party against whom execution hereafter shall so be sued, had been solely seised of the said lands and tenements of such estate as they be seised of to his use at the time of the said execution sued. (3) And over that, be it ordained by the said authority, That the lords of whom any such lands and tenements be holden in socage, shall from henceforth after the death of him to whose use any person or persons as is aforesaid be seised (and no will thereof declared) have his relief, heriot, and all other duties, like as the said lord ought or might have had if he had died seised of the same. (4) Provided alway, That every such person against whom execution is or shall be had of lands and tenements, so being in possession of other persons to his use, may have all such advantage in the law against him or them that so have execution of the lands or tenements afore rehearsed, as he might or should have had if he had been solely seised of the said lands and tenements at time of the said execution sued. (5) And over that, be it ordained by the said authority, That if any bondman purchase any lands or tenements in fee simple, fee tail, or for term of life, or for term of years, and causeth estate to be made to divers persons to his use, or taketh estate to himself and to divers other jointly with him and to his use and behoof, that it shall be lawful to the lord of any such bondman to enter during the same use, into the lands and tenements and every parcel thereof so purchased by his bondman, in like manner and form as he might have done, if the said bondman had only been seised of the said lands and tenements in fee or otherwise.

1 Co. 123.
Co. Lit. 91. a.
117. a.

The lands of *Cestuy que use* shall be put in execution for his debt due by judgment, &c.

The lands of *Cestuy que use* shall satisfy the chief lord of the relief, heriot and other duties.

Cestuy que use shall have such advantages as he might have had, if he had been tenant of the land.

Cestuy que use being a bondman, the land may be seised by his lord.

1 R. 3. c. 1.
4 H. 7. c. 17.
27 H. 8. c. 10.

CAP. XVI.

The statute of 11 H. 7. c. 26. touching the ability of jurors impanelled in the sheriffs turns in *Surrey, Suffex, and Hampsbire*, continued until the next parliament.

CAP. XVII.

Shearing worsted.

A confirmation of part of the statute of 11 H. 7. c. 11. and a repeal of the residue.

PRAYEN the commons in this present parliament assembled, That whereas the city of Norwich is an ancient city, and in the same city without time of mind among other crafts hath been used a certain craft called *shearman's craft*, and the artificers of the same have alway used by the same time to shear as well worsteds, flamins, fustians, as all other woollen cloth; and all apprentices of the same craft have been taken and bound to *shearman's craft* only, and by reason thereof they have had and enjoyed their liberties and freedom in their occupation by the name of the *shearman's craft* generally, and none otherwise; (2) and there have every year used within the said city to be chosen and sworn two wardens of the same craft, and all defaults by the said wardens, in their craft found, to be presented before the mayor of the said city for the time being, and the offenders in that behalf to be punished according to the custom of the same city; till now of late times divers persons for their own singular profit, contrary to the common weal of the said city, feigning to have a craft of *worsted shearing*, separate from the said craft of *shearman's craft*, surmitted a bill into the parliament holden at Westminster the fourteenth day of October, the eleventh year of the reign of our sovereign lord the King that now is; by force of which pretended bill it was in the said parliament enacted and ordained, That from thenceforth no man should take upon him to shear worsteds within the said city, but if he had been apprentice to the said occupation of *worsted-shearing* by the space of seven years, or such other as the masters of the said occupation within the said city for the time being, approving their cunning, with the advice of the mayor for the time being in the said city, will admit. (3) And furthermore in the end of the same act it was provided, That the said occupation of *worsted-shearing* shall not make, nor do to be made, any ordinance concerning the said occupation among themselves, but such as the mayor of the said city for the time being with his brethren aldermen shall think necessary and profitable for the weal of the King's subjects, as more plainly in the said act amongst other things doth appear. (4) It is so, that sith the making of the said act, by colour of the same, the worsted shear-men within the said city within themselves, without the advice or consent of the mayor of the said city, have chosen wardens of *worsted-shearing*, and separated the same pretended craft from the foresaid craft, called *shearman's craft*, contrary to the liberties and good customs of the said city in time passed used and approved: (5) and over that, the said pretended wardens, with their company to them confedered, divers and many times assembled and made ordinances among themselves, contrary to the common weal of the said city, without any advice of the mayor of the said city, intending to bring the shearing of worsteds into few mens hands, and to inhan-

The inconveniencies which have ensued to the shear-men of Norwich by the statute of 11 H. 7. c. 11.

The several practices of the wardens of worsted-shearers in Norwich.

the

the price of shearing of worsteds at their pleasure, insomuch that they will not admit to shearing of worsteds but certain persons, where many other within the said city be as perfect, and have as great cunning in the said shearing of worsteds, as they that the said pretended war-dens do daily suffer to shear, have; and will not admit any man to the shearing of worsteds, though he have sufficient cunning therein, without he will compound with them, and make great and importable fines; by force whereof divers and many of the shearmen, lately inhabitants of the said city, be departed out of the same city into the country, and so divers and many houses within the said city now be unoccupied and decayed, and daily more are like to be, to the great desolation of the said city, and also to the impoverishing of the merchants buyers of the said worsted within the said city, whereby the great weal and prosperity of the said city standeth, and the inhabitants of the same supported.

(6) In consideration of all which premisses, it may please the King our sovereign lord, of his most abundant grace, and for the great zeal his Grace hath to the universal weal of his subjects in this his realm, by the advice and assent of the lords spiritual and temporal, and of the commons, in this parliament assembled, and by authority of the same, to ordain, establish, and enact, That the foresaid act made the said fourteenth day of October, the eleventh year aforesaid, in every thing touching and concerning the said worsted-shearing, or the said pretended craft of worsted-shearing only, be utterly void, repealed, adnulled, and of no force ne effect. (7) Provided always, That the residue of the foresaid act concerning the setting or putting, taking or receiving, of apprentices for all the citizens and inhabitants within the said city of *Norwich*, may stand in his full strength and effect, in such form as in the said act is expressed and contained, this present act notwithstanding.

So much of the statute of 11 H. 7. c. 11. as concerneth the taking of apprentices confirmed, and the residue touching worsted-shearers repealed.

C A P. XVIII.

For free passage upon the river Severn.

TO the King our sovereign lord, prayen the commons in this present parliament assembled, That where time out of mind, merchants, victuallers, and all other your liege people of this your realm, at their pleasure have had and used free course and passage through and upon your river and water of Severn, within this your realm, with ships, trows, boats, and all other their vessels, to carry and convey their merchandises, victuals, and other goods, from town to town, and from place to place, without interruption, trouble, vexation, let, or disturbance, and without any thing therefore paying or giving, until late time that divers merchants and others of this your realm of England were by divers and certain misruled persons, inhabited in the forest of Dean, and other places to the said river adjoining, wrongfully letted, vexed, and interrupted; (2) whereupon for the sure and peaceable passage and course upon the same water and river of all the King's liege people to be had and continued, divers acts and laws were made and provided, and in especial one in the ninth year of the reign of the most blessed, and of famous in memory, your uncle King Henry the Sixth, by the which act it was established, ordained, and provided, That all your liege

The effect of the statute of 9 H. 6. c. 5.

provided for
free passage
upon the river
of Severn.

people, and every of them, should have their common and free passage upon your said river and water with their trows, boats, and other vessels, from Bristol, Gloucester, Worcester, and other places, without let, interruption, or denier; (3) and if any of your liege people or subjects were of their said course and passage letted or disturbed, that they should have actions of trespass against the offenders in that behalf; (4) and the premisses notwithstanding, divers persons late and now, being your officers of and in your city of Worcester, and town of Gloucester, and other places adjoining to your said river and water, will not suffer any boat, trow, or other vessel, to pass through and upon your said river and water without divers impositions by them thereupon set, and by them levied, gathered, and reared upon the merchants and owners of the said goods and merchandises, by the said river and water passing, in manifest contempt of your said laws, and breach, of the laudable custom aforetime remembered. (5) Please it therefore your Highness, the premisses considered, by the advice and assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, to ordain, establish, and enact, That whatsoever person or persons, of what estate, degree, or condition he or they be of, that hereafter take any imposition of any of the King's liege people, for trow, boat, or any other vessel, for any goods or merchandises carried or conveyed in and upon the said river and water of Severn, or let, vex, or interrupt any boats, trows, or other vessels so passing by the said river and water, for any such imposition or otherwise against your laws, that every such person or persons, so doing and offending, shall forfeit to the King our sovereign lord for every such offence xx.l. (6) And for every such sum or sums so forfeit, the party grieved, and all other persons that will sue for the same forfeiture, shall have and sue an action popular of debt, as well to and for the use of our sovereign lord the King, as to the use of him that shall so sue for it in his own name; and that our sovereign lord the King have two parts of the said sum so forfeited, and the party that so shall sue for the same, have the third part thereof: (7) and the party defendant in every such action shall not be received to wage his law, and also be outed of all dilatories in the same action, as protections, essoin, and other. (8) And if it fortune the parties in any such action to defend or plead to any issue, for any offences done or committed contrary to the premisses, triable in the city of Worcester, or the liberties of the same, then the same issue to be tried by twelve men within the county of Worcester, not dwelling nor having any lands within the same city, ne the suburbs of the same. (9) And if the party afore said in any such action defend and plead to an issue, for any such offence done or committed contrary to the premisses, triable in the shire of the town of Gloucester, or in the county of Gloucester, the same issue to be tried by twelve men of or in the county of Gloucester, thereto adjoining, not having any lands, ne dwelling within the same shire of the town of Gloucester. (10) Provided alway, That this

The forfeiture
of those that
interrupt any
with their
boats passing
upon the river
of Severn.

Where and by
whom issues
tried and tri-
able in any of
the said acti-
ons shall be
tried.

The owners of

act, nor any thing in the same contained or specified, in any wise extend not, nor be prejudicial or hurtful, to any person or persons having any lands or meads adjoining to the said stream or water of *Severn*, to take of every person or persons going upon his or their said lands or meads, and haling or drawing any such trow, boat, or vessel, reasonable recompence and satisfaction for such hurts and offences, as he or they having such lands or meads adjoining to the said stream or water, shall sustain by reason of any such going or drawing of any such trow, boat, or vessel. (11) Provided alway, That if any person or persons spiritual or temporal, or any body corporate, come before the lords of the King's honourable council in the *Star-chamber* at *Westminster*, at any time hereafter before the feast of the ascension of our Lord, that shall be in the year of our Lord God. M. D. and v. and there make any sufficient proof and lawful title of their own offer, or by other means, before the same feast, to have any manner of duty and imposition of and for any manner boat, trow, or other vessel aforesaid, or for any merchandises or goods in any of the same carried and conveyed in and upon the said river and water of *Severn*, and the same proof and title by the said council admitted, and decreed before the same feast to be good and available to the party or parties that sue for the same; that then from thenceforth after such proof and title shewed, and so by the said council admitted, and by them before the same feast decreed to be good, those persons having such lawful title may and shall have, from the time of that decree made, all manner such duties of every of the King's liege people so carrying or conveying any boat, trow, or other vessel, in and upon the said water of *Severn*, according to their title and right so proved and decreed, after the manner and form of the said title and decree; this present act, or any thing therein contained in any wise notwithstanding.

lands shall be satisfied for the hurts which they receive.

A duty or imposition may be allowed and decreed in the *Star-chamber*.

23 H. 8. c. 12.

CAP. XIX.

No shoemaker shall occupy the mystery of a currier, nor currier shall occupy the mystery of a shoemaker. (2) No tanner shall put a hide to sale before it be sufficiently dried.

CAP. XX.

Writs of error.

PRAYEN the commons in this present parliament assembled, That where at a parliament holden at *Westminster*, in the third year of the reign of our sovereign lord the king that now is, by the advice of the lords spiritual and temporal, and the commons, in the same parliament assembled, and by authority of the same, it was enacted, ordained, and established, among other things, That if any defendant or tenant, defendants or tenants, or any other that shall be bound by any judgment, sue, afore execution had, any writ of error to reverse any such judgment, in delaying of execution of the party, (2) that then if the same judgment be affirmed good in the said writ of error, and not erroneous, or that the said writ of error be discontinued in the default of the party, or the person or persons that sue the writ or writs of error be nonsuited in the same, that then the said person or persons, against whom the said writ of error is so sued, shall recover his costs and

A confirmation of the statute of 3 H. 7. c. 10. touching costs awarded to the plaintiff, where the defendant sueth a writ of error.

damages for his delay and wrongful vexation in the same, by discretion of the justices afore whom the said writ of error is sued: (3) which act or ordinance hath not been as yet duly put in execution, by reason whereof, as well plaintiffs as demandants, in divers actions by them sued sith the making of the said statute, have been oftentimes delayed of their execution, to their great and importable hurt, loss, and charges: (4) Wherefore the King our sovereign lord, by the advice of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, ordaineth, establisheth, and enacteth, That the said act made the third year of his reign, concerning the premisses, be good and effectual, and that from henceforth it be duly put in execution.

CAP. XXI.

Silk-works.

Certain things wrought of silk not lawful to be brought into this realm.
Sayil, 7, 10.

BE it established, ordained, and enacted by the authority of this present parliament, That no manner of person from henceforth bring, or cause to be brought, into this realm of *England* to be sold, any manner of silk wrought by itself, or with any other stuff, in any place out of this realm, in ribbands, laces, girdles, corfes, calles, corfes of tissues, or points, (2) upon pain of forfeiture of all the said ribbands, laces, girdles, corfes, calles, corfes of tissues and points, and every of them, in whose hands soever they be found, or the value of the same; the one moiety of the said forfeiture to our sovereign lord the King, and the other moiety thereof unto any of the King's subjects that will seise the same, the which to do, it shall be lawful to every of the King's subjects at all times. (3) And that it shall be lawful to every person, as well stranger as other, to bring into this realm from henceforth all other manner of silks, as well wrought as raw or unwrought, to sell at his pleasure, any acts or act of parliament heretofore to the contrary made in any wise notwithstanding. (4) And that it shall be lawful to all persons that have any such ribbands, laces, girdles, corfes, calles, corfes of tissues or points, wrought beyond the sea, bought and brought into this land by the King's licence, and to be sold, to make sale of the same, and every part thereof, and to have licence and liberty thereto, until the Feast of *Pentecost*, that shall be in the year of our Lord M,D,v.

33 H. 6. c. 5.
3 Ed. 4. c. 3.
22 Ed. 4. c. 3.
7 R. 3. c. 10.
7 H. 7. c. 9.
13 & 14 Car. 2.
c. 13.

CAP. XXII.

A repeal of a former statute 4 H. 7. prohibiting men of *Coplais* to be factors for merchants strangers in *England*.

CAP. XXIII.

For the merchants of the hanfes.

All statutes, &c. made in derogation of the merchants in the still-yard, shall be repealed.

BE it ordained, established, enacted, and provided by the King our sovereign lord, by the advice of the lords spiritual and temporal, and the commons of the same, in this present parliament assembled, for merchants of the hanse of *Almain* having the house in the city of *London*, commonly called *Guillballda*

ballda Teutonicorum, that by the authority of this said parliament every act, statute, or ordinance, acts, statutes, or ordinances heretofore made, concerning merchants, merchandises, or other wares, extend not to the prejudice, hurt, or charge of the said merchants of the hanse, contrary to their ancient liberties, privileges, free usages, and customs of old time granted to the said merchants of the hanse, as well by the King's noble progenitors, and ratified and confirmed by the King's grace, as by authority of divers parliaments; (2) but that all such act, statute, and ordinance, acts, statutes, and ordinances so made, or to be made, in derogation of their said liberties, privileges, free usages, and customs, stand and be, as against the said merchants and their successors, and every of them, void, repealed, adnulled, and of none effect; any act, statute, or ordinance, acts, statutes, or ordinances to the contrary made or to be made notwithstanding. (3) Provided alway, That this act, or any thing therein contained, extend not, or be in any wise prejudicial or hurtful to the mayor, sheriffs, citizens or commonalty of the city of *London*, or any of them, or the successors of any of them, of or for any entries, liberties, privileges, franchises, or other thing to them or any of them given or granted by the King's most noble progenitors or predecessors Kings of this realm, or by authority of parliament, or otherwise; this present act or any thing therein contained notwithstanding.

This statute shall not prejudice the liberties of *London*.

CAP. XXIV.

For holding the shire-court at Chichester and Lewes

IN Consideration that the shire-court of and for the shire of *Sussex* is held and kept in the city of *Chichester*, which is in the extream part of the same shire, the same shire being lxx. miles in length; by reason whereof divers and many of the King's subjects, inhabiting that shire, are sometimes outlawed, and sometimes lose great sums of money in that court ere they have knowledge thereof, to their utter undoing: (2) Be it therefore enacted by the authority of this present parliament, That from the Feast of *Easter* next coming, the shire-court for that shire shall be holden and kept one time at *Chichester* aforesaid, and the next time at the borough of *Lewes*, which borough is in the midst of that shire, and so to be kept *alternis vicibus* for ever; (3) and every shire-court holden to the contrary hereof, and all things therein done, to be void.

Where the shire-court for the county of *Sussex* shall be holden.

Here end the Statutes of King HENRY the Seventh.

Anno primo HENRICI VIII.

Statutes made at *Westminster*, in the first year of King HENRY VIII. and in the year of our Lord 1509.

THE King our sovereign lord Henry the Eighth after the conquest, by the Grace of God King of England and of France, and lord of Ireland, at his parliament holden at Westminster the one and twentieth day of January, in the first year of his most noble reign, after the prorogation, to the honour of God and of holy church, and for the common weal and profit of this realm, by the assent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by authority of the same, hath done to be ordained, made and enacted, certain statutes and ordinances, in manner and form following.

CAP. I.

Exp.

A repeal of an act made Anno 8 H. 6. c. 2. prohibiting the King's subjects to repair into *Denmark* and *Iceland*, saving to the town of *Northbarm*.

CAP. II.

Exp. 27 H. 8. c. 12.

The King nor any other shall take advantage of the penalties limited by the statute of 1 R. 3. c. 8. touching the making of several sorts of cloths before the next parliament.

CAP. III.

All acquittances made by *John Heron*, general receiver of the King's revenues, shall be a discharge against the King; and *John Heron* shall stand chargeable to others having interest in receipts. To endure only to the next parliament.

CAP. IV.

Exp. 18 El. c. 5. 21 El. c. 5.

All actions, &c. for the King upon any penal statute shall be taken within three years after the offence committed, and for any other person within one year. To endure to the next parliament.

CAP. V.

A repeal of the act made, that no man enter goods, but in the owner's name, in the customers books.

The penalty for customing goods where-by the King loseth his duty.

WHEREAS at a parliament holden at Westminster, in the third year of the reign of King Henry the Seventh, it was ordained and established by the authority of the same, That no manner of merchant, demizen or stranger, should take upon him to enter, or cause to be entered in the books of any customer of any port within this realm, any manner of merchandises coming into this his said realm, or going out of the same, in any other merchant's name, saving only the name of the merchant owning the same upon pain of forfeiture of all such goods and merchandises so entred; (2) and every of the said merchants, which so shall take upon him to cause such untrue entry to be made, to have imprisonment, and to make fine thereof at the King's pleasure: (3) it is now by our sovereign lord the King, and his lords spiritual and

3 Bull. 22.

and temporal, and the commons, in this present parliament assembled, well considering, that the intent and cause of the making of the said statute was only, forasmuch as by the subtil dealing of some Englishmen, colourably entering in their own names the goods of merchants strangers, the King's Highness was deceived in his customs, and that the said statute was made for none other cause; yet forasmuch as the words of the said statute were general; it was extended as well unto the goods of an Englishman entered in the name of one other Englishman, as to the goods of a stranger entered in the name of an Englishman, to the great hurt, loss, and damage of many and divers of the King's subjects, and contrary to the very intent and meaning of the said statute.

The intent and cause of the making of the statute of 3 H. 7. c. 7.

II. It is therefore ordained, established and enacted by the authority of this present parliament, That the act afore rehearsed, made the said third year, and all things contained in the same, be from henceforth repealed, adnulled, utterly void, and of none effect.

A repeal of the said statute.

III. And furthermore, be it enacted by our sovereign lord the King, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That it shall be lawful from henceforth, that every Englishman, and all other the King's subjects, may in every port or haven within this realm of England, Ireland, and Wales, and the marches of the same, and in the town of Berwick, where it shall happen any merchandise to arrive, or to be charged and carried out, to custom in his name all manner of goods and merchandise of another Englishman, or the King's subjects.

One Englishman may custom goods in another Englishman's name.

IV. And in like form, every merchant stranger to custom in his name any goods or merchandise of any other merchant stranger, so that the said merchant stranger that customs the goods of another merchant stranger, and the very owner or proprietary of the goods so customed, be charged with like custom, subsidy, and other things, so that the King's Grace be not defrauded of his right.

One merchant stranger may custom goods in another's name.

1 Roll, 143, 146.

V. And if any merchant stranger or denizen, or any other the King's subject, custom any goods or merchandises of another stranger or denizen, or of any other the King's subject, whereby the King's Grace should lose his custom, subsidy, or other his right or duty, that then the said merchant stranger or denizen, or any other the King's subject that so taketh upon him or them, to forfeit to our said sovereign lord the King the goods or merchandises so customed; and over that, to forfeit to the party or parties in this behalf grieved, as much money as the goods or merchandises of the merchant stranger, denizen, or other the King's subjects (so cautelously customed) amounted unto.

The penalty for customing of goods, whereby the King loseth his custom.

The penalty enlarged by 2 & 3 Ed. 6. c. 22.

VI. And that no citizen of London, or other the King's subjects, inhabiting in the cinque-ports, or any other being free of prisage or butlerage of wines, by grant, custom or otherwise, custom no wines of any person or persons not being free of any prisage or butlerage.

No wines free of prisage, &c. to be customed.

VII. And if any person, free of the said prisage or butlerage,

so do, that then the said person or persons (that so do) forfeit to our said sovereign lord the double value of the prisage of the said wines so customed.

VIII. And further, That it be lawful to any person or persons grieved contrary to this act, to have an action of debt against every person or persons that so custom the goods or merchandises in his name, and not in the owner's name, of the sum or the value of the said merchandises so customed and forfeited; in which action none escoin nor protection shall lie, nor the defendant to wage his law.

1 El. c. 11.

CAP. VI.

4 Inst. 41.

A repeal of a statute made *Anno 11 H. 7. c. 3.* giving authority to justices of assise and justices of peace in their sessions to hear and determine all offences and contempts committed against any statute in force, saving treason, murder, or felony.

CAP. VII.

For coroners.

A rehearsal of
3 H. 7. c. 1.
touching the
fees of coro-
ners.

WHEREAS by a statute made at Westminster the third year of King Henry the Seventh, it was enacted, That a coroner shall have for his fee, upon every inquisition taken upon the view of the body slain and murdered, thirteen shillings, four pence, of the goods and chattels of him that is the slayer or murderer; (2) where by the common law a coroner had not, or ought not to have any thing for their office doing, as by the same statute more plainly doth appear: (3) with which statute so made, the coroners have used, that if any person hath happened to be slain by misadventure, and not by no man's hand, that they will not inquire upon the view of the body so by misadventure slain, except they have for their labour thirteen shillings, four pence, which is contrary to the common law, and also to the statute afore rehearsed; whereby great inconvenience doth daily grow to the King's subjects, forasmuch as oftentimes the person that is so by misadventure slain lieth long above the ground unburied, to the great noyance of the King's liege people: (4) wherefore the King our sovereign lord, by the assents of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, ordaineth, That upon a request made to a coroner to come and inquire upon the view of any person slain, drowned, or otherwise dead by misadventure, the said coroner diligently shall do his office, upon the view of the body of every such person or persons, without taking any thing therefore, (5) upon pain to every coroner that will not endeavour himself to do his office, as afore is said, or that he taketh any thing for doing of his office upon any person dead by misadventure, for every time forty shillings.

No fee due to
a coroner
where any
person is slain
by misadven-
ture.

3 Ed. 1. c. 10.
18 Ed. 3. c. 6.

Justices, &c.
may inquire of
and deter-
mine the
faults of
coroners.

II. And that the justices of assises, and justices of peace within the county where any such default of the coroners be, have authority and power to inquire thereof, and determine the same, as well by examination as by presentment.

CAP.

CAP. VIII.

The act of escheators and commissioners.

FORASMUCH as divers of the King's subjects lately have been sore hurt, troubled, and some disherited by escheators and commissioners, causing untrue offices to be found, and sometime returning into the courts of record offices and inquisitions that were never found, and sometime changing the matter of the offices that were truly found, to the great hurt, trouble, and disherison of the King's true subjects, that like before time hath not been seen in this realm: (2) wherefore be it ordained, established, and enacted in this present parliament, and by authority of the same, That if any escheator or commissioner hereafter return or put into any of the King's courts any inquisitions or offices concerning lands, tenements, or other hereditaments, not found nor presented by the oaths of twelve men, and indented, and by them sealed, that then the same escheator or commissioner forfeit for every such office or inquisition so returned, and put into any of the said courts, an C. li. to the party or parties grieved by any such inquisition or office: (3) and that from henceforth no escheator, ne no man sit by virtue of any commission, to inquire of lands, tenements, or other hereditaments, except he, or other to his use, have lands, tenements or hereditaments, of the yearly value of xl. marks, above all charges and reprises, upon pain of xx. li. (4) And that it shall be lawful for all persons that be not sufficient of freehold in possession or use at the time of any such commission to them delivered, to refuse to sit and inquire by virtue of the same commission.

The cause of making this act.

No office shall be returned into any of the King's courts, but which is found by a jury. What land an escheator or commissioner must have.

II. And that they, upon process made against them out of the King's exchequer by virtue of the same commissions, to be discharged upon their oaths for their said non-sufficiency, without fine or fee.

III. And that every escheator and commissioner shall sit in convenient and open places, according to the statutes heretofore made: (2) and that the said escheators and commissioners shall suffer every person to give evidence openly in their presence, to such inquest as shall be taken before any of them, upon pain of xl. li.

The escheator shall sit in an open place, and suffer every person to give evidence.

IV. And that no sheriff, nor other person, which shall or ought to return writs or precepts, return before escheators, or such commissioners, any person or persons to inquire of any lands or tenements, except every of the same jury so returned, or other to their use, have lands or tenements of the yearly value of xl. s. within the same shire where the same inquiry shall be made, without fraud or collusion, above all charges and reprises, upon pain of forfeiture for every person so returned C. s. (2) And that the jury that shall be sworn before any escheator, or such commissioner, to enquire of lands, tenements, or other hereditaments, shall receive the counterpane of the office or inquisition that by them shall be presented, indented, and sealed by the escheator, or by such commissioner, and the same deliver and suffer to rest in the possession of the first person that shall be sworn in the said jury, with him to remain, to the intent that

34 Ed. 3. c. 13.
36 Ed. 3. c. 13.
23 H. 6. c. 17.
What lands those jurors must have, which be returned to find any office. The jury must receive the counterpane of an office found, and leave it with the first men.

An escheator
must receive
an office found
by the jury.

An officer of
the chancery
must receive
an inquisition
found offered
unto him, and
put it on the
files.

Dyer, f. 170.
8 H. 6. c. 16.
18 H. 6. c. 7.

Officers of the
exchequer
must receive
offices found
and tendered
unto them.

A transcript
of an office
shall be certi-
fied into the
exchequer.
None shall be
escheator a-
bove a year.

The penalties
of the offend-
ers, and who
shall have the
benefit of
them, and by
what means.

the said commissioner or escheator may not change nor imbez-
zle the said offices or inquisitions; (3) and this to be done upon
pain of every of the said persons that shall be sworn, xx. s. (4)
and that every escheator and commissioner, (after a jury or in-
quest before any of them sworn, be ready to give their verdict
or presentment, and offer to present the same) that the said es-
cheator or commissioners, or part of them, shall receive the same
verdict without further delay, upon pain of C. li. (5) and
deliver the counterpane of the indenture to the jury, in form
above rehearsed upon like pain. (6) And that if the clerk of
the petit bag of the King's chancery for the time being, or his
deputy or deputies, or any other officer there having authority
to receive any such office or inquisition, to whose hands any such
office or inquisition shall come, which ought to be returned into
the said chancery, will not receive the same office or inquisition,
and put it on the files to remain of record, within three days af-
ter it be received or offered to him to be received, he to forfeit
for every such default xl. li. (7) And the commissioners or
escheator before whom the same office or inquisition is found,
and (as is afore said) offered to be delivered into the chancery,
to be discharged of the penalty of xl. li. limited by statute for
non-returning of the same office or inquisition within the month;
(8) and that the like law and penalty be to charge the officer or
officers of the King's exchequer for the time being, which ought
to receive inquisitions or offices returnable into the same ex-
chequer, for refusing so to receive them; (9) and that the com-
missioners or escheator, before whom the said inquisitions or of-
fices be found, be discharged of the penalty of the statute for
non-returning of the same inquisitions or offices, so that then
the said escheator or commissioners, at any time after the month
of any such offices before them or any of them taken, within
another month then next ensuing, return the said office into the
chancery or exchequer, as the cause shall require; (10) and that
the said clerk of the petit bag for the time being certify, or cause
to be certified, the transcript of every such office or inquisition,
taken before any commissioners or escheator, to the King's ex-
chequer the next term following the receipt thereof, upon pain
of forfeiture for every such default C. s. (11) and that no man
be compelled, after the feast of *All Saints* next coming, to oc-
cupy nor exercise the office of an escheator by any one patent
over one whole year; (12) and that he that is once escheator,
shall not be made escheator again within three years after the
fore said whole year ended. (13) And if any escheator after the
feast of *All Saints* be made escheator, or exercise his office by
reason of one patent over the time of one whole year ended, or
be made escheator within three years after, as is afore said, that
then after the said whole year in form afore said ended; his pa-
tent so made to be void and of none effect; (14) and that the
party or parties so grieved, shall have his or their recovery of
every the said forfeitures of one C. li. by action of debt, (15)
in which action the defendant shall not wage his law, nor be by
protection

protection nor effoin, &c. (16) And the residue of the other forfeitures expressed in this present act, the King shall have the one moiety thereof, and the party that will sue therefore by action of debt the other moiety; and the defendant shall have no other delay, but as is aforesaid.

V. Provided alway, That this act concerning escheators for exercising of their office over an whole year together, and letters patents or grants made or to be made by any escheator for term of life, or for years, or otherwise, extend not, ne be prejudicial to any escheator that now is, and that hereafter shall be made and ordained in any city or town corporate, or in the dutchies of *Lancaster*, *Cornwall*, and the counties palatines of *Lancaster*, *Chester*, *Durham*, or *Ely*, or to any other county palatine within the realm of *England*, *Wales*, or the marches of the same; or to any escheator made, or hereafter to be made, by any person or persons spiritual or temporal, having authority by reason of any franchises, liberties, privileges, prescriptions, or grant, to depute or make any such escheator in the same.

Who may be escheators above one year and by what means.

VI. Provided also, That this act, as to any penalty in the same concerning the sufficiency of escheators and jurors aforesaid, extend not, nor be prejudicial to any escheator in city or towns corporate, ne to any other escheator made, or hereafter to be made, by any person or persons having privilege to make escheators for inquisitions of lands, tenements, or hereditaments, (2) ne to any sheriff or bailiff, for returning in any panel any person or persons before any of the said escheators, of less value than is contained in the said act; the escheator of the county palatine of *Lancaster* and *Chester* in this proviso only foreprised and excepted.

In what places the foresaid sufficiency of freehold in escheators or jurors is not necessary.

VII. Provided also, That this act extend not, nor be prejudicial to any justices of the peace, for any thing done concerning the commission of the peace.

Justices of peace shall not be prejudiced by this act. Confirmed and made perpetual by 3 H. 8. c. 2.

VIII. Provided also, That nothing penal contained in this present act take effect before the feast of *Easter* next coming; and this act to endure to the next parliament.

CAP. IX

The lord chancellor or lord keeper may appoint two, three, or four persons to receive toll or custom, and to imploy the same upon the repair of the bridge of *Stanes* in the county of *Midlesex*, and to yield accompt thereof.

CAP. X.

An act to enlarge a statute for the traverse of lands seised into the King's hands before escheators.

WHEREAS by a statute made the eighth year of the reign of King Henry the Sixth, it is ordained, among other things, That no lands and tenements seised into the King's hands upon inquests taken afore the escheator or commissioners, shall in no wise be let or granted to ferm by the chancellor of England, or any other officer of the King's whatsoever he be, till the same inquests and verdicts be rehearsed of the statute of 8 H. 6. c. 16. touching letting to ferm lands seised into the King's hands

upon an in-
quest of office.

dicts be returned plainly into the chancery, or into the exchequer; (2) but that all such lands and tenements shall abide wholly and continually in the King's hands, until the same inquests and verdicts be returned, (3) but it be so, That he or they that be grieved by the same inquests, or put out of their lands and tenements come into the chancery, and offer to traverse the same inquests, and offer to take the same lands and tenements to ferm; (4) and if they do so, then the same lands and tenements be committed unto them, if they shew good evidence proving their traverse to be true and find surety after the form of the said statute, as in the same statute more at large appeareth.

II. *And notwithstanding the said statute, divers escheators and commissioners, which have taken such inquests after the death of the King's subjects, of their covin, to the intent to put them that had cause of traverse to the verdicts of the said inquests from the form of the premisses, would in the time of vacation put into the chancery or into the exchequer, their said office by them taken, because the month should pass before the beginning of the term next ensuing, by reason whereof they that should of right have the ferm upon their traverse according to the true intent of the said statute, were put from the same fermes contrary to right and good conscience.*

Lands seized
into the
King's hands
upon an in-
quest of office,
shall be let to
ferm to him
that tendereth
a traverse to
the same with-
in three
months.

III. For remedy whereof be it ordained, enacted, and established by authority of this present parliament, That from henceforth, after such office found afore any escheator or commissioner, and put into chancery or the exchequer, if any person or persons which will tender a traverse to the said office, and desireth to have the lands contained in the same office to ferm, and findeth surety, and sheweth evidence to the chancellor of England for the time being, according to the statute afore rehearsed, come into the chancery within three months next after the same office so put into the chancery or exchequer, that he be then by the said chancellor thereto admitted; (2) and that then all other patents or grants hereafter to be made thereof within the said three months ended, be void and of none effect; the said statute made the eighth year of the reign of King Henry the sixth, or any other statute made to the contrary notwithstanding.

36 Ed. 3. c. 13.
8 H. 6. c. 16.
18 H. 6. c. 6, 7.

CAP. XI.

EXP.
23 H. 8. c. 3.

The statute made *Anno 11 H. 7. c. 24.* which giveth attaint in certain cases against the party and petit jury, continued until the next parliament.

CAP. XII.

EXP.

Untrue inquisitions found in the reign of King Henry the Seventh, by the procurement of *Richard Empson* and *Edmund Dudley*, intitling the King to tenures in *Capite*, may be traversed by the parties, though they have sued liveries, and their livery shall be no conclusion.

CAP. XIII.

EXP.

The statutes of 17 Ed. 4. c. 1. & 4 H. 7. c. 23. inhibiting the transporting of money, plate, or jewels (saving for the penalty of felony) shall be continued unto the next parliament.

CAP.

CAP. XIV.

A repeal of all former statutes made against excess of apparel; Rep. 1 Jac. 1. and what kind of apparel men of all degrees and callings are c. 25. allowed, and what prohibited to wear.

CAP. XV.

All assurances made to *Richard Empson* and *Edmund Dudley*, attainted of high treason, of land to the use of others, shall be void, and their joint feoffees shall stand seised of the whole. But this statute shall not extend to the lands of *Robert Ratcliff* lord *Fitzwater*.

Statutes made at *Westminster Anno 3 HEN. VIII.*
and *Anno Dom. 1511.*

THE King our sovereign lord Henry the Eighth after the conquest, by the grace of God King of England and of France, and lord of Ireland, at his parliament holden at Westminster the fourth day of February, in the third year of his most noble reign, to the honour of God and holy church, and for the common weal and profit of this realm, by the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, hath done to be made certain statutes and ordinances, in manner and form following.

CAP. I.

Every person that shall carry over the sea any money, plate, and jewels, &c. shall forfeit the double value. To endure to the next parliament. EXP.

CAP. II.

The statute made Anno 1 H. 8. c. 8. concerning escheators, commissioners, finding and returning of offices, rehearsed, confirmed, and made perpetual.

CAP. III.

All sorts of men under the age of forty years shall have bows and arrows, and use shooting; certain persons excepted, &c. (2) unlawful games shall not be used. Confirmed by 6 H. 8. c. 2. Repealed by 33 H. 8. c. 9.

CAP. IV.

Every person that is or shall be in the King's wars beyond the sea, or upon the sea, shall have a protection of *Profecturus*, or *Moraturus cum clausula Volumus*, (2) and he may aliene his lands holden in *Capite* without licence; and if he die in that service, his heir within age and in ward, (3) his executors, feoffees, or assigns, shall have the wardship and marriage toward the performance of his will. Plowd. 293, 294. Rast. pl. f. 453. 4 H. 7. c. 4. 7 H. 7. c. 2. & 3.

CAP. V.

An act for payment of wages to soldiers.

FORASMUCH as the King our sovereign lord intendeth, by the grace of God, to send over the sea a great army, trusting thereby, Ex edit. Pult. 6 Co. 27. a not 3 Inst. 26. 87-

The penalties of a captain for abridging the number of soldiers, or detaining their wages: and of a soldier departing, &c. The peril ensuing of captains lacking their prefixed number of soldiers.^o

A captain shall have all his soldiers, and pay them all their wages.

It is felony for a soldier to depart from his captain without licence.

Justices of peace may enquire of, hear and determine these offences.

not only to preserve this his realm in its ancient fame and honour, but also to set in perfect peace and tranquillity his subjects of the same, and the better to be disposed to serve God: (2) howbeit, many times by the inordinate covetousness of captains retained with princes afore this time, great part of the number of soldiers, for whom such captains have indented with princes at time of need, have lacked of the number of soldiers, whereby great jeopardy hath ensued, and irrecoverable damages may ensue, if remedy therefore be not seen and had: (3) be it therefore ordained by authority of this present parliament, That if any captain be retained, or hereafter shall be, to serve the King on the sea, or beyond the sea in feat of war, which have not his or their whole and perfect number of men and soldiers, according as he shall be retained with the King, or give not them their full wages, without abridgement, as he shall receive of the King for them: he shall for such default forfeit to the King all his goods and chattels, and their body to prison. (4) And that every captain, petit captain, and all other having under them retinue of soldier or soldiers at the King's wages, shall (upon the pain aforesaid) pay to the retinue of soldier or soldiers, and every of the same, the wages rateably as is allowed unto them by the King our sovereign lord, or the treasurer of his wars, without lessening or withdrawing of any part thereof: (5) and for as long time as they shall receive wages for them, this payment to be made unto the said retinues, every soldier of the same, of their captains, and petit captains, always within six days next and immediately after that the said captain, petit captain, or other, shall have received their wages of the King, or of the treasurer of his wars, or of their lords or masters.

II. And if any soldier, being no captain, immediately retained with the King, which hereafter shall be in wages, and retained, or take any prest to serve the King upon the sea, or upon the land, or beyond the sea, depart out of the King's service, without licence of the King's lieutenant there, that such departing be taken, deemed and adjudged felony: and that he so offending suffer for the said offence, punishment and execution of felony.

III. And forasmuch as his offence stretcheth to the hurt and jeopardy of the King our sovereign lord, the nobles of the realm, and of all the common weal thereof, that therefore he or they so offending (not being within orders of holy church) enjoy not the benefit of his clergy. (2) And that it be ordained by the said authority, That the justices of the peace to every shire of *England* where any such offenders be taken, have power to enquire of the said offences, and the same hear and determine, as they do and may do of felonies, trespasses, and other offences expressed in the King's commission to them made, as though the said offences were done in the same shire: (3) And also that the said departing of such soldiers, and also their retainers, if it be traversed, be tried in the same shire where they be for such causes arrested and arraigned.

IV. Provided alway, That no captain be charged by this act for lack of his number retained, as is above said, whose soldiers shall happen to die, or otherwise depart, not in the default of the captain; so that the said captain, if he be at land wages, shew the departing or lacking of his soldier within ten days after the lacking of the said soldier, unto the King's lieutenant there, and to the treasurer of the wars: (2) or if the captain be at the sea-wages, if he shew the departing or lacking of the soldier so lacking, to the admiral of the navy where he is retained, at the next meeting with the said admiral. (3) Provided alway, That this act extend not to any captains or soldiers, that now be, or hereafter shall be retained within the towns of *Calais*, *Hammes* and *Guisnes*, *Risbank*, *Berwick*, and *Wales*, or any of them, and the marches of the same.

The captain shall be discharged if his soldiers die or depart from him.

This doth not extend to the household servants of a captain.

V. Provided alway, That this act be not prejudicial nor hurtful to the said captains, petit captains, nor any other, having under them retinue of soldiers, nor any of them, for non-payment of the King's wages to their household servants and other, to whom they shall daily find and give meat and drink during the said service of war.

23 H. 6. c. 19.
7 H. 7. c. 1.
2 & 3 Ed. 6.
c. 2.
4 & 5 Ph. & M.
c. 3.
5 El. c. 5.

CAP. VI.

The several duties of a breaker, kember, carder, spinner, weaver, fuller, clothier, and aulnager, concerning true making, drawing, and sealing of woollen cloths. *To endure to the next parliament.*

5 & 6 Ed. 6.
c. 6.
39 El. c. 20.
43 El. c. 10.

CAP. VII.

An act for perfect working of cloths before they shall be carried out of the realm.

WHERE at the parliament holden at Westminster the ninth day of November, the third year of the reign of our late sovereign lord, King Henry the seventh (whose soul God pardon) it was shewed by shearmen, fullers, and other artificers, that should live and obtain their needy sustentation by mean of drapery made and draped within this realm, as well throughout the same realm, as within the city of London, (2) That whereas in a statute made the seventh year of the reign of King Edward the Fourth, amongst other it was contained, That no person (denizen nor stranger) should carry, or do to be carried to any parts beyond the sea, any woollen yarn nor cloth unfulled, but the woollen yarn to be made in this realm should be woven in the same; (3) and also all cloth within the same made, should be fulled and fully wrought within the same, before that any of the same should be had or carried out of this realm, upon pain of forfeiture of the very value of such yarn not woven, and cloth not fulled, had or carried out of this realm, (4) the one half of the same forfeiture to be levied to the use of the King, and the other half of that to him or them that should espy or make proof of any such yarn not woven, or cloth not fulled, carried to any place beyond the sea. (5) And forasmuch as in the said statute of King Edward there is no express mention made, that

A restraint of the transporting of woollen cloth before it be fulled, rowed, shorn, &c.
7 Ed. 4. c. 3.

The inconveniencies ensuing by transporting of cloth unrowed and unshorn.

the said cloths should be rowed and shorn before that they be carried and conveyed out of this realm, whereby the said poor commons of the crafts aforesaid might be set in labour and occupation; therefore the said cloths then were, and yet been in great number and plenty carried and conveyed out of this realm unrowed and unshorn into the parts beyond the seas, as well by denizens as by strangers, whereby outlandish nations with the same drapery been set to labour and occupation, to their great enriching, and the poor commons of the crafts aforesaid through all this realm, which of natural reason (as the King's true liege men) should have and obtain their needy sustentation and living by means of the same drapery, for lack of such occupation daily fall in great number into idleness and poverty, to their uttermost destruction, if it should

White woollen cloth, &c. may be transported unshorn, &c. by 5 H. 8. c. 3. & 23 H. 8. c. 13.

then any longer continue: (6) whereupon our said sovereign lord King Henry the Seventh, by the advice of his lords spiritual and temporal, and at the prayers of the commons, in his said parliament assembled, and by authority of the same, ordained, established, and enacted, That no stranger nor denizen should carry, or make to be carried out of this realm any woollen cloths, but that they before be barbed, rowed, and shorn within the same realm for the relief and setting awork of the said poor commons of the crafts aforesaid, upon pain of the forfeiture limited in the said statute of King Edward, made upon cloth carried out of this realm not fulled, to be divided in manner and form as in the same statutes contained; (7) so that cloths called Vesses, Rays, Sailing Cloths, and all other cloths commonly sold at xl. s. or under, be not comprised in the said act made the said third year of the reign of our said late sovereign lord King Henry the Seventh, as by the same acts more plainly appeareth; (8) and for lack of due execution of the said acts, little effect or profit hath followed or grown of the same to the said poor craftsmen, being natural subjects, which for lack of work and occupation daily fall into idleness and poverty.

3 H. 7. c. 11.

A confirmation of the statutes of 7 Ed. 4. c. 3. & 3 H. 7. c. 11.

II. Be it therefore ordained, established, and enacted by the King our sovereign lord, and the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That the said acts and ordinances may stand and continue in their full strength and virtue; and that they from henceforth be duly put in execution according to the tenor, purport, and effect of the same, and of either of them. (2) And that every person that will sue for the same forfeitures, be admitted to his action of debt, by bill or information in any of the King's courts of record, where the same may be determined after the course of the common law, and that the defendant in such behalf in no wise be admitted to wage his law, nor that any protection nor essoin be in the same allowable: (3) nevertheless, for that the draping and making of such cloths called *Vesses, Rays, Sailing Cloths*, and other cloths, which, at the time of making of the statute of King Henry the Seventh, were commonly sold at xl. s. or under, the maker thereof and clothier of times passed, and now is, and hereafter is like to be at greater charge about the draping and making of the same, and also of all other cloths; for that wool is of far greater price, and also the costs and charges for the workmanship of such cloths, is far

far more chargeable than it were at the time of making of the said statute: (4) be it therefore provided by the authority aforesaid, That cloths called *Vesses*, *Rays*, *Sailing Cloths*, and other cloths, now commonly sold at four marks, or under, be not comprised in this or any of the said acts, but may be carried over and conveyed out of this realm into the parts beyond the sea, not barbed, rowed, nor thorn, this or any the said acts notwithstanding.

What cloths be not comprised in this act, but may be carried over.

Altered
27 H. 8. c. 13.
33 H. 8. c. 19.

C A P. VIII.

An act repealing an act made at York for selling of victual by bead officer's during their office.

WHERE in the parliament of King Edward, son of King Edward, holden at York in the twelfth year of his reign, amongst other things it was accorded and enacted, That no minister in city or borough, which by reason of his office ought to keep assises of wines and victuals, as long as he shall be attendant to that office, should merchant wines and victuals in gross or at retail, upon a certain pain limited and expressed in the said statute, as in the same more plainly doth appear; (2) sithen the making of which statute and ordinance, many and the most part of all the cities, boroughs, and towns corporate within this realm of England, be fallen in ruin and decay, and not inhabited with merchants and men of such substance as they were at the time of making of the foresaid statute and ordinance; for at this day the dwellers and inhabitants of the same cities and boroughs be most commonly bakers, brewers, vininers, fishmongers, and other victuallers, and few or no other persons of substance be within many of the said cities, boroughs, and towns corporate, other than the foresaid victuallers, at this day, able and sufficient to bear office within the same, and to content, answer, and pay unto the King's grace his fee-ferm wherewith they be charged: (3) in consideration whereof, and for the ease, comfort, and relief of the foresaid poor cities, boroughs, and towns corporate, and of the inhabitants of the same, be it ordained, established, and enacted by the King our sovereign lord, by the advice of his lords spiritual and temporal, and the commons, of this present parliament assembled, and by authority of the same, That whensoever and as often as any victualler chosen to bear any office within any city, borough, or town corporate, which for the time that he shall stand and be in such office should have the asselling and correction for selling of victuals, that then two discreet and honest persons of the same city, borough, or town corporate, not being victuallers, ne any of them being a victualler, shall be chosen by the commonalty of the same city, borough, or town corporate, in like form as the said officer shall be chosen; which two persons, with the said officer, shall be sworn truly to sels and set the prises and assises of victuals there, for the time that any such victualler shall abide in his said office: (4) and that then it shall be lawful to all and every of the said officers, after the same victuals be set and sessed by the same officer and the said two persons, or one of the same two persons, the other being absent, to merchant

The decays of cities and boroughs, &c. the cause of the alteration of the statute of 12 Ed. 2. stat. 1. c. 6.

Asselling of the prices of victuals, when a victualler is chief officer.

and sell wines, and all other victuals in gross and at retail, during the time that he shall be in any such office, without any thing therefore to forfeit; the said statute, act, and ordinance, or any other act or acts, ordinance, or statute to the contrary made in any wise notwithstanding.

The officers in London, York and Coventry excepted.
6 R. 3. c. 9.

II. Provided alway, That this act, or any thing therein contained, extend not to discharge any minister of the cities of *London, York, and Coventry*, nor none of them, for any wine or victual to be sold by any by retail within any of the said cities of *London, York, and Coventry*.

CAP. IX.

Mummers shall be imprisoned three months, and fined at the justices discretion. The penalty for selling of visors, or keeping them in a house, is to forfeit xx s. for every visor, and to be imprisoned at the discretion of the justices. *To endure to the next parliament.*

CAP. X.

Rep. 5 El. c. 8. No alien shall buy any leather but in open market. The wardens of curriers in *London* may make search for leather insufficiently tanned, seise the leather, and commit the offender to prison.
& 1 Jac. 1. c. 22.
2 H. 6. c. 7.
1 H. 7. c. 5.
19 H. 7. c. 19.

CAP. XI.

An act for the appointing of physicians and surgeons.

Inconveniences ensuing by ignorant persons practising physick or surgery.

TO the King our sovereign lord, and to all the lords spiritual and temporal, and commons, in this present parliament assembled. Forasmuch as the science and cunning of physick and surgery (to the perfect knowledge whereof be requisite both great learning and ripe experience) is daily within this realm exercised by a great multitude of ignorant persons, of whom the greater part have no manner of insight in the same, nor in any other kind of learning; (2) some also can no letters on the book, so far forth that common artificers, as smiths, weavers, and women, boldly and accustomedly take upon them great cures, and things of great difficulty, in the which they partly use sorcery and witchcraft, partly apply such medicines unto the disease as be very noxious, and nothing meet therefore, to the high displeasure of God, great infamy to the faculty, and the grievous hurt, damage, and destruction of many of the King's liege people, most especially of them that cannot discern the uncunning from the cunning: (3) be it therefore (to the surety and comfort of all manner people) by the authority of this present parliament enacted, That no person within the city of *London*, nor within seven miles of the same, take upon him to exercise and occupy as a physician or surgeon, except he be first examined, approved, and admitted by the bishop of *London*, or by the dean of *Paul's* for the time being, calling to him or them four doctors of physick, and for surgery other expert persons in that faculty, and for the first examination such as they shall think convenient, and afterward alway four of them that have been so approved, (4) upon the pain of forfeiture for every month that they do occupy as physicians or surgeons,

By whomevery physician and surgeon shall be allowed.
14 & 15 H. 8.
c. 5.
34 & 35 H. 8.
c. 8.
By 34 & 35 H. 8. c. 8. f. 3.
any person understanding herbs, &c.
may minister

surgeons, not admitted nor examined after the tenor of this act, of v. li. to be employed the one half thereof to the use of our sovereign lord the King, and the other half thereof to any person that will sue for it by action of debt, in which no wager of law nor protection shall be allowed.

to outward
fores, &c.

II. And over this, That no person out of the said city, and precinct of seven miles of the same, except he have been (as is aforesaid) approved in the same, take upon him to exercise and occupy as a physician or surgeon, in any diocese within this realm, but if he be first examined and approved by the bishop of the same diocese, or, he being out of the diocese, by his vicar general; either of them calling to them such expert persons in the said faculties, as their discretion shall think convenient, and giving their letters testimonials under their seal to him that they shall so approve, upon like pain to them that occupy the contrary to this act (as is aforesaid) to be levied and employed after the form before expressed.

A physician
or surgeon
allowed by the
bishop of the
diocese.

III. Provided alway, That this act, nor any thing therein contained, be prejudicial to the universities of Oxford or Cambridge, or either of them, or to any privileges granted to them.

The privileges
of Oxford and
Cambridge
saved.
Raft. pla. f.
426.

(2) Memorandum. That surgeons be comprised in this act like as physicians, for like mischief of ignorant persons presuming to exercise surgery.

CAP. XII.

The act that justices may return impanels for the King by their discretions.

WHEREAS great extortions and oppressions be, and have been within the more party of all the counties and shires within this realm of England, by the subtlety and untrue demeanor of sheriffs and their ministers, committed and done unto many persons in great number of the King's subjects by mean and making, and returning at every sessions holden within the said counties and shires, for the body of the shire, in taking and putting in, and returning of names, of such persons, as for the singular advantage, benefit, and gain of the said sheriffs and their ministers, will be wilfully forsworn and perjured by the sinister labour of the said sheriffs and their ministers; (2) by reason whereof many and divers substantial persons (the King's true subjects) contrary to good equity and rightwiseness, have divers times and many wrongfully been indicted of divers murders, felonies, and other misbehaviour, by their covin and falsehood, to the utter undoing of their lives, loss of their goods and their lands; by reason whereof they and every of them in avoiding the untrue trouble and vexation which to them might come and ensue by reason and occasion of the same false indictments, (3) and also sometime by labour of the said sheriffs, divers great felonies and murders concealed, and by the said persons also by the said sheriffs and their ministers partially returned, not presented, be and have been compelled to make fines and give rewards to the said sheriffs and their ministers: (4) wherefore be it enacted, ordained, and established, by the King our sovereign lord, and by the assent of the lords spiritual and temporal, and the commons

The inconveniencies ensu-
ing by the she-
riffs returning
of panels for
the King with-
out control-
ment of any,

Panels re-
turned by the
sheriffs may be
reformed by
the justices.

12 Co. 99, 68,
31 H. 7. c. 24.

mons of this present parliament assembled, and by authority of the same, That all panels to be returned, which be not at the suit of any party, that shall be made and put in by every sheriff and their ministers afore any justice of gaol-delivery or justice of peace, whereof one to be of the *quorum*, in their open sessions to enquire for the King, shall be reformed by putting to and taking out of the names of the persons which so be impanelled by every sheriff and their ministers, by discretion of the same justice before whom such panels shall be returned: (5) and that the same justice and justices shall command every sheriff and their ministers in his absence, to put other persons in the same panel by their discretions; and that the same panels so reformed by the said justices be good and lawful: (6) and that if any sheriff, or any their minister, at any time do not return the same panel so reformed, that then every such sheriff or minister so offending, for every such offence shall forfeit xx. li. sterling money of *England*; the one half thereof to our sovereign lord the King or his heirs, and the other half to him or them of his subjects that will sue for the same by action of debt at the common law, or bill, or plaint, where it shall fortune any such to fall and be; (7) and that ne essoin ne protection be allowed for the defendant or defendants in that action or plaint, (8) nor that the said defendant nor defendants therein be admitted to wage their law: (9) and that the King's pardon shall be no bar against the party and parties in the same, that any such action shall sue.

C A P. XIII.

Rep. 6. H. 8.
c. 13.

A confirmation of the statute of 19 *H. 7. c. 4.* ordained against shooting in cross-bows; and all placards granted for shooting in cross-bows shall be void.

C A P. XIV.

An act for searching of unlawful oils.

PRAYEN your Highness, the commons in this present parliament assembled, That whereas divers manner of oils being brought into this realm, as well into the city of London, as to divers other places within this same realm, which be daily used and ministered as well for man's sustenance and comfort, as for necessities for draping of woollen cloths, and for other divers necessities used for the weal of your subjects; and for lack of good oversight, search, and correction of such oils, many simple persons (buyers of the said oils to sell afterward) falsely and deceivably by crafty means do mix and alter the same oils from their former nature and goodness, to the great loss, jeopardy, danger, and deceit of your subjects: wherefore be it by your highness, by the advice and assent of your lords spiritual and temporal, and of your commons, in this present parliament assembled, and by authority of the same, ordained, enacted, and established, That the mayor of the city of London for the time being with the master and wardens of the mystery or craft of tallow-chandlers of the same city for the time being, shall from henceforth have

have full power and authority to search all manner of oils brought into the said city of *London* to be sold, in whose hands soever they be or shall be found, and that as often as the case shall require: (4) and that the said mayor, with the said master and wardens of the said mystery or craft of tallow-chandlers for the time being, shall truly search and oversee, that the same oils to be put to sale be not mixed nor altered from their right kinds, but that they be good and lawful as they ought to be. (5) And that it shall be lawful to the said mayor, with the said master and wardens for the time being, to damn, avoid, and utterly to cast away all such oils as they shall find defective, or falsely or deceivably mixed, and altered from their right kinds, as is aforesaid, without any let or perturbation of any person or persons whatsoever they are or shall be; (6) and also the said mayor, master, and wardens, to commit such person or persons, as shall be found defective for using of such deceit or craft, to ward, and to punish him or them therefore by their discretions, according to the laws and customs within the said city or liberty of *London*, used, had, and made of and for other misdoers and offenders in the said city. (7) And be it further enacted by the said authority, That the mayor in every city, borough, and town within this realm (where a mayor is) for the time being, or the governor or governors, or rulers of every other city, borough, and town corporate within this realm also for the time being, shall have within their jurisdiction, liberty, and franchise, every of them, like authority and power to make and do like search, order, direction, correction, punishment and execution of the same, of, for, and upon all oils being defective, or deceivably or falsely mixed and altered, by any person or persons within their liberties and franchises, in manner and form as afore rehearsed, as the said mayor, master and wardens of the said city of *London*, by this present act have, or might have, of, for, or upon any oil sold or to be sold within the said city of *London*.

Who may search for and punish such as sell false and mixt oils.

C A P. XV.

All statutes made for hats and caps repealed. Who only may buy hats and caps wrought beyond the sea. The prices of several sorts of hats and caps.

3 Inst. 201, 204.
22 Ed. 4. c. 5.
4 H. 7. c. 9.
21 H. 8. c. 9.
7 Ed. 6. c. 8.
Repealed by
1 Jac. 1. c. 25.

Statutes made at *Westminster*, Anno 4 HEN. VIII.
and *Anno Dom.* 1512.

THE King our sovereign lord Henry the Eighth after the conquest, by the grace of God King of England and of France, and lord of Ireland, at his parliament holden at *Westminster* the fourth day of November, in the fourth year of his most noble reign, to the honour of God and holy church, and for the common weal and profit of this realm, by the assent of the lords spiritual and temporal,

and the commons, in this present parliament assembled, and by authority of the same, hath done to be made certain statutes and ordinances in manner and form following.

C A P. I.

Bulwarks, braies, walls, and other fortifications shall be made by the sea-side in *Cornwall* by the justices of peace assignment. To endure to the next parliament.

C A P. II.

Punishment of murders.

Ex edit. Pult.
The benefit of
clergy taken
from such as do
commit cer-
tain offences.
Causes of im-
boldening
men to com-
mit murders
and felonies.

WHEREAS robberies, murders and felonies daily encrease more and more, and been committed and done in more heinous, open, and detestable wise, than hath been oft seen in time past: and the persons so offending little regard the punishment thereof, by the course of the common law, ne by reason of any statute heretofore made, but bear them bold of their clergy, and imagining and pleading of feigned and untrue foreign pleas, triable in foreign counties, to the intent to be removed from place to place, by colourable and untrue suggestions, and for to be untruly acquit by favour, might, and corruption; so that they live in manner without fear or dread: (2) for reformation whereof, and for the common wealth of this realm, and for to put the said murderers, felons, and offenders in more fear and dread so to offend: Be it ordained, established and enacted by the King our sovereign lord, the lords spiritual and temporal, and the commons in this present parliament assembled, and by the authority of the same, That all person or persons, hereafter committing murder or felony, in any church, chapel, or hallowed place, or of and upon malice prepened, rob or murder any person or persons in the King's high-way, or else rob or murder any person in his house, the owner or dweller of the house, his wife, child, or servant then being therein, and put in fear or dread by the same, That such person or persons so offending, be not from henceforth admitted to his or their clergy, (such as been within holy orders only except.)

St. 2; H. 8 c. 1.
32 H. 8. c. 1.

Trial of a felon
pleading, that
he was taken
out of a privi-
leged place in
a foreign
county.
Made per-
petual by
21 H. 8. c. 2.
Altered by
28 H. 8. c. 1. f. 7.
3 Ed. 6. c. 12.
5 & 6 Ed. 6.
c. 9.
7 Jac. 1. c. 25.
31 Jac. 1. c. 28.

II. And over that, be it enacted by the said authority, That if any murderer or felon, upon his arraignment hereafter do alledge, that he had taken any church or church-yard for murder felony or other place privileged for the same, in a foreign county, and against his will taken out thereof: that then the King's attorney, or any other person that will sue or alledge for the King, that the said murderer or felon so arraigned, was taken at large in the same shire where he is so arraigned; that then the same allegiance and issue to be tried by the inquest that shall try the said murder or felony within the same shire, and before the same justice, where the said murderer or felon is arraigned, as though the said foreign plea had not been pleaded by the said felon: (2) and if it be found by the same inquest, that the said murderer or felon was taken within the same shire (as is aforesaid) that then he to have none advantage or benefit of the matter alledged by him for taking out of the church or church-

church-yard, or other place privileged, in any such foreign shire: and this act to endure to the next parliament.

CAP. III.

The act concerning juries in London.

WHERE at a parliament holden at Westminster the eleventh 11 H. 7. c. 21.
 year of the reign of King Henry the Seventh, for the good
 and due administration and expedition of justice, it was ordained, and
 among other things enacted, That every person hereafter to be im-
 panelled or summoned to appear in any jury or inquest in any court
 within the city of London, before any judges of the same city mak-
 ing default, at the first summons should lose and forfeit xij. d. and
 at the second default ij. s. and so at every such default after that,
 the issues and penalties to be doubled; (2) and also such issues lost in
 the mayor's court should be forfeited, levied, and perceived to the use
 and behoof of the mayor and the commonalty of the said city; (3) and
 that all such issues lost in the sheriffs court or courts should be for-
 feited, levied, and perceived to the use of the sheriffs of the same ci-
 ty for the time being, toward their fee-farm, as by the same act more
 plainly doth appear: (4) in the which act it is not expressed how or
 by what means the aforesaid issues, so lost and forfeited for non-ap-
 pearance of the persons so impanelled and summoned, should be levied;
 the lack whereof is the cause that such persons as have been impanel-
 led and summoned, as well for the King, as between party and party
 (being substantial and indifferent) have made many times default,
 and would not appear; and so it remaineth in like mischief as it was
 before the making of the foresaid act, to the great let of justice, and
 the delay as well in the King's causes, as in other causes between par-
 ties: (5) wherefore for the good execution of the said statute, and
 perfect remedy in this behalf to be had:

II. Be it established, ordained, and enacted by the King our A remedy for
the mayor and
sheriffs of Lon-
don to recover
issues forfeited
by jurors.
11 H. 7. c. 21.
 sovereign lord, by the assent of the lords spiritual and temporal,
 and of the commons, in this present parliament assembled, and
 by the authority of the same, That for all such issues in form
 aforesaid hereafter to be lost or forfeited in the mayor's court, it
 shall be lawful to the said mayor, and to his successors, to dis-
 train, and the same distress to retain, till he or they be satisfied
 of the said issues. (2) And in like manner, that it shall be law-
 ful to the foresaid sheriffs, and their successors, to distrain for
 such issues lost in their court or courts, and the said distress to
 retain, till they be satisfied of the said issues.

III. Item, forasmuch as after issues joined in actions and suits com-
 menced, taken, or depending in the King's courts before himself in his
 bench, and before his justices of the common bench, and also in his
 exchequer, at the King's suit, or at the suit of parties, triable in the
 said city of London, as well the King as the parties have suffered
 great delay many times for default of appearance of the jurors im-
 panelled to try the said issues, and many times for lack of jurors not hav-
 ing lands and tenements of the yearly value of xl. s.

IV. Be it ordained and enacted by the said authority of this
 present parliament, That the sheriffs of London for the time be-
 ing,

The ability of the jurors of London impanelled to try an issue in any of the courts at Westminster.

ing, have full authority and power to return impanels or arrays of all actions and suits now depending, or that shall depend in any of the said courts, or exchequer, persons being citizens, having goods to the value of an C. mark, or above, to try the issue joined or to be joined in every such action or suit; (2) and that the person so returned (having goods to the value of C. mark, or above) shall be sworn and do in all such juries in like wise in every thing, as other persons should do, having lands and tenements of the yearly value of xl. s. over all charges.

What issues shall be returned upon the jurors in London.

5 H. 8. c. 5.

V. And over that, be it ordained by the said authority, That the sheriffs of the said city for the time being, shall return upon the first distress in every such action or suit, upon every of the jurors impanelled to try the issues thereof, xx. d. and upon the second distress, upon every of the same jurors xl. d. and upon every distress after that, upon every of the same jurors, the double, till a full jury in every such action and suit shall appear, and be sworn to try the issues joined in the same: (2) and that the sheriffs that shall make any return upon such distress, contrary to the form aforesaid, shall forfeit for every such default x. li. the one half thereof to be to the King, and the other half to the party that will sue therefore: (3) and that the defendant in any such action be not admitted to wage his law, nor protection therein for him allowed. (4) This act to endure only to the next parliament, and this act to take effect after the last day of *December*, the fourth year of the reign of King *Henry* the Eighth. *Explained 5 H. 8. c. 5.*

C A P. IV.

EXP.
6 H. 8. c. 4.

Proclamations to give warning to him that dwelling in one county is sued to an exigent in another.

C A P. V.

EXP.
22 R. 2. c. 4.

No penalties for giving of wages, assured by any statute, shall be imposed upon the master or a giver of wages.

C A P. VI.

An act for sealing of clotbs of gold and silver.

None shall take any thing for the sealing of cloth of gold, silver, velvet, &c.

WHERE at a parliament holden in the twelfth year of the reign of King Edward the Fourth, amongst other it was ordained, established and enacted, That the collectors of the subsidy, and the comptrollers should at all times be ready when they should be required, to seal any manner of cloth of gold, silver, baudekin, velvet, damask, saten, sarsenet, tariron, chamblet, and every other cloth of silk, and every corse of silk and gold, and every corse of silk of the making beyond the sea, and the same merchandises should seal in every time when they should be required, without delay, tarrying, or any thing for their sealing to take by any mean, upon the pain of forfeiture to the owner of such merchandises xx. s. by every of the said collectors and comptrollers at every time when they refuse to seal any such merchandises after such request made, or take any thing for sealing of any such merchandises, as by the same act amongst other things more plainly

plainly appeareth. (2) *Sithen the making of which aēt the said collectors and comptrollers, and their clerks not fearing the penalty limited in the same aēt have used, and daily use to take for sealing of every piece of the same merchandises above rehearsed, ii. d. to the great loss, hurt and damage of the merchants owners of the same :*

(3) *for the same merchants at many times bring and convey in one ship iii. or iv. M. pieces of the same merchandises, which amounteth to xxx. or xl. l. after the rates of ii. d. a piece. And forasmuch as the foresaid penalty expressed in the said statute is but xx. s. therefore the said collectors, comptrollers, nor their clerks fear not to run in the jeopardy of the same :* (4) *wherefore be it ordained and enacted by the King our sovereign lord, the lords spiritual and temporal, and the commons in this present parliament assembled, and by the authority of the same, That from henceforth the collectors and comptrollers of the said subsidy, nor their clerks, nor any of them, take for the sealing of any piece of the said merchandises (above rehearsed) any thing, upon pain of forfeiture at every time xx. l.*

The cause why the statute of 12 Ed. 4. c. 3. is not put in execution.

II. And also be it enacted by the same authority, That if, and as often as the same collectors and comptrollers, or any of them unreasonably delay, or tarry the said merchants, or any of them, for and about the sealing of the same merchandises ; that then and so often the same collectors and comptrollers, and every of them so unreasonably delaying and tarrying the same merchants, or any of them, to forfeit for the same xl. s. (2) the one moiety of every of the said penalties (so forfeited) to be to the King our sovereign lord, and the other moiety thereof to the merchant so grieved, that will sue for the same by way of information in the King's exchequer, or by action or bill of debt, after the order of the common law, as in other actions of debt is used : (3) in which action the defendant shall not be admitted to wage his law, nor protection, nor essoin to be to him allowed in the same suit for the said forfeiture.

No collector or comptroller of the subsidy shall take any thing for sealing of cloth of gold, &c. The collector or, &c. shall not delay the merchant to seal his cloth of gold.

C A P. VII.

An aēt made for pewterers, and true weights and beams.

TO the King our sovereign lord, and the honourable the lords spiritual and temporal, and the commons in this present parliament assembled : forasmuch as a certain aēt was made and established in the parliament holden at Westminster, the nineteenth year of the reign of the late most famous King your father, Henry the Seventh (whom God pardon) concerning pewterers and brasiers hawking and walking about the countries, and also concerning false beams, scales, and weights, with a provision for casting of fine metal, and of perfect goodness, which aēt was made to endure to the next parliament, the tenor whereof hereafter ensueth :

II. *That where many simple and evil-disposed persons of this your realm of England (using the said crafts) daily go about this your realm, from village, from town, and from house to house, as well in woods and forests, as other places, to buy pewter and brass, (2) and that knowing thieves, and other pickers, that steal as well pewter and brass*

The tenor of the statute of 19 H. 7. c. 6. concerning pewterers.

brass belonging to your Highness, and under your mark, and to the lords spiritual and temporal, as to other your subjects of this your realm, bring such stolen vessels unto them in such hid places to sell, and sell it for little or nought, and about they bring it to privy places, or into corners of cities or towns, and there sell much part of it to strangers, the which carry it over the sea by stealth; (3) also the said persons (so going about) and divers other using the said crafts, use to make new vessels, and to mix good metal and bad together, and make it nought, and sell it for good stuff, where indeed the stuff and metal thereof is not worth the fourth part that it is sold for, to the great hurt, deceit, and loss of your subjects; also divers persons using the said crafts, have deceivable and untrue beams and scales, that one of them will stand even with twelve pounds weight at the one end, against a quarter of a pound at the other end, to the singular advantage of themselves, and to the great deceit and loss of your subjects, buyers and sellers with them: (4) for reformation of the premises, it would please your Highness of your most abundant grace, with the advice of your lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, to enact and establish, That no person or persons, using the said crafts of pewterers and brasiers, from henceforth shall sell or change any pewter or brass, new or old, at any place or places within this your realm, but only in open fairs or markets, or in their own dwelling-houses, but if they be desired by the said buyers of such wares, upon pain of forfeiture to our sovereign lord the King for every such default x.li.

In what places
only pewter
and brass shall
be sold or
changed.
By 5 H. 8. c. 9.
s. 6. the In-
former shall
have a moiety.

Of what
goodness pew-
ter and brass
ought to be.

III. Also by the same authority it may be enacted and established, That no person nor persons, of what condition or degree soever he or they be, from henceforth within the cities of *London* and *York*, or without, either cast or work any pewter vessels, or brass, at any place or places within this your realm, but that it be as good fine metal, as is the pewter and brass cast and wrought after the perfect goodness of the same within the city of *London*, and by the statutes of the same ought to be, upon pain of forfeiture of all such pewter and brass, so cast and wrought of worse pewter or brass than ought to be wrought in the same cities; the one half of every such forfeiture to be to the use of your Highness, and the other half to the use of the finders thereof.

Hollow wares
made of pew-
ter ley-metal.

IV. Provided alway, That this forfeiture in no wise stretch ne extend to brass or pewter, being in the possession of any person, other than the workers of the same, or such as have the same to sell, and being of the craft or mystery. (2) Also that it may by the same authority be enacted and established, That no manner of person or persons, of what degree or condition soever he or they be, from henceforth make no hollow wares of pewter, that is to say, salts and pots that is made of pewter called *Ley-metal*, but that it may be after the assise of pewter ley-metal wrought within the city of *London*; (3) and that the makers of such wares shall mark the same with several marks of their own, to the intent that the makers of such wares shall avow the same wares by them

The makers of
pewter vessels
shall mark the
same.

them (as is abovesaid) to be wrought ; (4) and that all and every such wares not sufficiently made and wrought, and not marked in form abovesaid, found in the possession of the same maker or seller, to be forfeited ; and if the same ware be sold, the said maker to forfeit the value of the same so unlawfully wrought and sold ; the one half of the said wares, or the value thereof, to be to the use of your Highness, and the other half to be to the use of the finder or searchers of the same.

V. Also that it may by the same authority be enacted and established, That if any person or persons hereafter using, buying and selling of pewter and brasse, that hereafter occupy any deceivable or false beams or weights of the same wares, that every such person or persons using or occupying such deceivable and untrue beams or weights, to forfeit xx. s. the one half to the King, and the other half to the party that therefore shall sue by action of debt ; (2) and that in the said action no protection nor essoin shall be allowed ; and also the said party so offending, shall forfeit his beam to him that shall seise it ; (3) and if the said offender or offenders be not sufficient to pay the said sum or sums by them so forfeited, that then it shall be lawful to the mayors, bailiffs, or other head officers of such place or places where any such offenders shall be found, to put them in the stocks, and them so keep till the next market-day next adjoining, and in the market place to put them on the pillory all the market-time.

The penalty for using false beams and weights about pewter or brasse.

VI. And furthermore, that it be lawful by the said authority, That the master and wardens of the said craft of pewterers, within every city and borough of this realm, where such wardens are, and where no such wardens are, the head officers or governors of the same city or borough, to appoint certain persons most expert in knowledge of the same, to make search within the said cities or boroughs where they dwell. (2) And over this, the justices of peace within every shire, at their general session holden at *Michaelmas*, shall assign and appoint two certain persons, having experience therein, to make search in the premises in every part of that shire, as well within the franchises as without, saving in cities or boroughs where searchers be appointed by the heads or governors of the same ; (3) and that all such unlawful pewter or brasse as the said searchers shall find, the one half shall be to the use of your grace, and the other half to the said searchers ; (4) and that in the default of the said masters and wardens of the said occupations not searching in form as is aforesaid, and whereby that any such unlawful metals is cast or made, or unlawful weights used, that then it shall be lawful to any person or persons having sufficient cunning and knowledge in the said occupations, by oversight of the mayors, bailiffs, or head-officers of the said cities, boroughs, and towns, to search all the said places, and to put the said authority and act in execution in form aforesaid. (5) Pleaseth it therefore your grace and wisdoms, inasmuch as the said act is thought good and

Searchers of pewter and brasse shall be appointed.

pro-

The statute of 19 H. 7. c. 6. confirmed and made perpetual. profitable, that it be ordained, enacted, and established by the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That the said act may endure for ever.

Searchers of tin or pewter vessels shall be appointed.

VII. And over that be it enacted by the said authority, That if any untrue or deceivable metal, or workmanship, of tin or pewter, be founden either in platters, chargers, dishes, saucers, pottingers, trenchers, basons, flaggons, bottles, pots, saltcellars, goblets, spoons, cruets or candlesticks, or any other such wares of tin or pewter, wheresoever it be cast, made, or wrought within this realm or without, and brought to be sold within the same realm; that then it shall be lawful to the mayor of the city of *London*, and the master and wardens of the craft of pewterers (of the said city for the time being) and their deputies, to have search of the same within the city of *London*, and the suburbs of the same; (2) and that in all other cities, boroughs, and towns, where any wardens be or shall be, the mayors, bailiffs, or head officers and wardens to have like authority; (3) and where no wardens be, then the head officers or governors of the same cities, boroughs, and towns, to appoint certain persons most expert and cunning in knowledge of the same, to make search within the said cities, boroughs, and towns where they dwell; (4) and if any such new wares wrought of tin and pewter, as is aforesaid, be found defective, and being in the possession of the seller, that then the same person or persons that putteth any such new wares of pewter to sale, shall forfeit the same wares, the one half to the use of our sovereign lord the King, and the other half to the searchers or finders of the same.

This act shall not be prejudicial to the King's grants of liberties. 25 H. 8. c. 9. made perpetual 33 H. 8. c. 4. f. 6.

VIII. Provided alway, That this act concerning the forfeiture be not prejudicial nor hurtful to any person or persons having grant of our sovereign lord the King, or of any of his noble progenitors, by his letters patents of such forfeiture, but that they and every of them shall have and enjoy the same according to their former grants and liberties.

C A P. VIII.

An act concerning Richard Strode.

Ex edit. Raft.

LAMENTABLY complaineth and sheweth unto your most discreet wisdoms in this present parliament assembled, Richard Strode, gentleman, of the county of Devonshire, one of the burgesses of this honourable house, for the burgh of Plimton in the county aforesaid, that where the said Richard condescended and agreed with other of this house, to put forth certain bills in this present parliament against certain persons named Tanners in the county aforesaid, for the reformation of the perishing, hurting, and destroying of divers ports, havens, and creeks, and other bills for the common weal of the said county, the which here in this high court of parliament should and ought to be communed and treated of.

And for because the said Richard is a tinner, for the causes and matters afore rehearsed, one John Furse, tinner, under-steward of the steimerie in the said county, in and at four courts of the said steimerie at divers places and times before him severally holden in the said county,

county, he and other have condemned the said Richard in the sum of one hundred and threescore pounds : that is to wit, at every court day forty pounds, and by the procurement of the said John Furle, at the said four severall courts and lawdays, in the said steimerie by him holden, in this manner published and said, that the same Richard, at the last parliament holden at Westminster, would have avoided and utterly destroyed all liberties, privileges, and franchises concerning the steimerie : by reason whereof the said Richard, upon four bills had and made thereof by the said John Furle and other, caused that the said Richard was presented and found guilty of the premises in every of the said courts in forty pounds to be lost and forfeit by him, by reason of an act and ordinance by tanners made and had at a place in the said county called Crokerentor : the tenor of the which act appeareth in a schedule to his bill annexed : to which the said Richard was never warned nor called to make answer to the premisses, contrary to all laws, right reason, and good conscience. And for the execution of the same, one John Agwilliam, upon a surmise by him made to the King's Highness to the said condemnation to be to his grace forfeit, thereof attained a bill assigned of twenty pounds parcel of the said hundred and threescore pounds, to be to him granted by the said King's Highness : whereupon the said John Agwilliam and other caused the said Richard to be taken and imprisoned in a dungeon and a deep pit under the ground in the castle of Lidford, in the said county, and there and elsewhere remained by the space of three weeks and more, unto such time he was delivered by a writ of privilege out of the King's Exchequer at Westminster, for that he was one of the collectors in the said county for the first of the two Quindeims granted at and in this present parliament : the which prison is one of the most hainous, contagious, and detestable places within this realm ; so that by reason of the same imprisonment he was put in great peril and jeopardy of his life, and the said Richard, so being in prison, and the said John Agwilliam seeing the same cruel imprisonment of the said Richard, intreated and instantly desired one Philip Furle (then being keeper of the said prison) strictly to keep the said Richard in prison, and to put irons upon him to his more greater pain and jeopardy, and to give him but bread and water only, to the intent to cause the said Richard to be fain to content and pay him the said twenty pounds. And for the same promised the said keeper four marks of money : for the which four marks the said Richard for to be eased of his irons and painful imprisonment aforesaid (for safeguard of his life) promised and granted to pay the said keeper four marks : whereof he paid the said keeper in hand thirteen shillings four pence. And over that the said Richard for to be eased of his said painful imprisonment, was also of necessity driven to be bounden to Thomas Denis, deputy unto Sir Henry Marnie, knight, warden of the said steimerie, in an obligation of the sum of an C.li. upon condition whereof part is as hereafter followeth : that is to say, That if the above bound Richard Strode, defend and save harmless the said Thomas Denis, and to use himself as true prisoner during the time it shall please the King to have him prisoner in the castle of Lidford, and also to do nothing, whereby he shall in the law be deemed out of prison, and other articles comprised in the said condition, the which the said Richard perfectly remembereth not : wherefore the premisses by your

your great willdoms tenderly considered, the said *Richard* humbly prayeth, that it may be ordained, established, and enacted, by the King our sovereign lord, and by the lords spiritual and temporal, and the commons in this present parliament assembled, and by the authority of the same, That the said condemnation and condemnations of the said hundred and threescore pounds, and every parcel thereof, and judgments and executions had or to be had for the premises, or any of them, to be utterly void against the said *Richard*, and of none effect.

Fines for parliament matters void.

4 Inst. 9.

Cro. Car. 181,

182, 209, 210,

604, 610.

And over that be it enacted by the said authority, That all suits, accussements, condemnations, executions, fines, amerciaments, punishments, corrections, grants, charges, and impositions, put or had, or hereafter to be put or had unto or upon the said *Richard*, and to every other of the person or persons afore specified, that now be of this present parliament, or that of any parliament hereafter shall be, for any bill, speaking, reasoning, or declaring of any matter or matters, concerning the parliament to be communed and treated of, be utterly void and of none effect.

And over that, be it enacted by the said authority, That if the said *Richard* Strode, or any of all the said other person or persons, hereafter be vexed, troubled, or otherwise charged for any causes as is aforesaid, that then he or they, and every of them so vexed or troubled, of and for the same, to have an action upon the case against every such person or persons, so vexing or troubling any contrary to this ordinance and provision, in the which action the party grieved shall recover treble damages and costs. And that no protection, essoin, nor wager of law in the said action in any wise be admitted nor received.

BE it enquired for our sovereign lord the King, That whereas at the parliament holden at Cokerentor, before Thomas Denis, deputy to Sir Henry Marnie, Knight, warden of the steimerie, the fourteenth day of September, the second year of the reign of King Henry the Eighth: it was ordained, established, and enacted, That (from the day aforesaid) it shall be lawful for every man to dig tin within the county of Devonshire, in all places whereat tin may be found. And also to carry the water to their works without any let or trouble of any person or persons, according to our usages and confirmations of our charter, and according to our custom out of mind. And if any person or persons let, trouble, or vex any man to dig tin, or to carry water for the same, contrary to our old custom and usage, and if it be found by the verdict of twelve men at the law day, he that so letteth, vexeth, or troubleth any such person or persons, shall fall in the penalty of forty pounds, as oft as he so vexeth or troubleth: the one half to my lord prince, and the other half to him that was so letted, vexed, or troubled. And a Fieri facias to be awarded, as well for my lord prince as for the party: if one Richard Strode, of Plimton, tinner, at the parliament holden at Westminster, the fourth day of February last past, letted, vexed, and troubled one William Read the younger, and Elis Elford, tinner, and all other tinners in the

the same parliament, for digging of tin in the severall soil of the said Richard and other persons contrary to this our act made.

Statutes made at *Westminster*, Anno 5 HEN. VIII.
and Anno Dom. 1513.

THE King our sovereign lord Henry the Eighth after the conquest, by the grace of God King of England, and of France, and lord of Ireland, at his parliament holden at Westminster the twenty third day of January, in the fifth year of his most noble reign, after the prorogation, to the honour of God and holy church, and for the common weal and profit of this his realm, by the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, hath done to be ordained, made, and enacted certain statutes and ordinances in manner and form following.

CAP. I.

How the King's subjects of Tournay and Tyrwin in France may have assurance and recovery of their debts due to them by Englishmen, and how Englishmen of them.

CAP. II.

An act for the true making of cloths in Devon, called White-Straits.

PRAYEN the commons and inhabitants (clothmakers, and buyers of the same) within the county of Devon, that where divers and many cloths called White Straits, be and have been continually made within the said county, to the great profit of the King's subjects there, the which cloths were wont to be well and sufficiently made, and bear their breadth yard broad and half quarter raw, and fifteen yards of length, and that no man in times past hath used to make them but that the maker thereof hath set his special mark upon every of the said cloths so by him or them made, whereby every man may know their own cloths from other mens by reason of their said several marks; (2) so it is, that now-a-days the said cloths be not sufficiently made, ne bear their length and breadth according as they should do, ne marked with every man's own mark, whereof great inconvenience doth daily ensue and increase, to the impoverishing and hurting, as well of the King's subjects, buyers and sellers of the same, as of merchant strangers: (3) Wherefore the premisses considered, that it may be therefore enacted by the King our sovereign lord, by the assent of the lords spiritual and temporal, and the commons in this present parliament assembled, and by the authority of the same, That from the feast of Pentecost next coming, no person make no such cloths (called white-straits) to sell, without that he be when he is raw ready to be toked, of the breadth of a yard and half a quarter, and of length fifteen yards; (4) and that no person make no such cloths, but if he set his special mark

The true making of white straits in Devonshire.
Every maker to mark his cloths.

Continued by
6 H. 8. c. 8.
5 & 6 Ed. 6. c. 6.
27 El. c. 18.

upon every of the said cloths, so by him or them made. (5) And that no person use no mark on his cloths such as any other person doth and hath used before him, upon pain of forfeiture of every of the said cloths, the one half to the King, and the other half to him that so seileth the said cloths, so made or marked contrary to the form and effect afore expressed; (6) and this act to endure unto the next parliament.

C A P. III.

7 Ed. 4 c. 3.
3 H. 7. c. 11.
3 H. 8. c. 7.
33 H. 8. c. 19.
Repealed
6 An. c. 9.

An act that white wool and cloths of five marks and under, may be carried over the seas unshorn. None shall carry over the sea white woollen cloths above the price of five marks unshorn, unrowed, or unbarbed. By 27 H. 8. c. 13. White woollen cloth sold for 4l. 8s. may be transported unshorn.

C A P. IV.

An act for avoiding deceits in worsteds.

Deceits in
worsted.

PRAYEN the commons in this present parliament assembled, That whereas worsteds which been truly made, shorn, dyed and calandred, as of old time, hath been accustomed to be made, shorn, dyed, and calandred, have been one of the goodliest merchandise and greatest commodity of this realm, and not only worn within this realm, but also much worn and used in other realms; (2) and so it is that now of late divers strangers beyond the sea have taken upon them to dry calander worsteds with gums, oils, and presses, so that a coarse piece of worsted, not being past the value of xxvi. s. viii. d. is and shall be made, by their said gums, oils and presses, to shew like to the value of xl. s. or better: (3) and if the same worsted so dry calandred, takerh any wet incontinent it will shew spotty and foul, and ever after continue still foul, and will not endure, to the great deceit and hurt of the wearers thereof, and loss of the said commodity; and for the said deceits, and falseness, the said dry calandring is scorned and abhorred in the parts beyond the sea, so that no person do ne shall use in those parts any such worsteds to dry calander: (4) and also now of late the said strangers called Dry Calanders are come into this realm, and here within the same use the said dry calandring of worsted, and of the great hurt of the said common weal and commodity of this realm aforesaid:

The deceit
and loss com-
ing by dry ca-
landring of
worsted.

No person
shall dry ca-
lander wor-
sted.

II. Wherefore be it enacted, ordained, and established by the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That no person ne persons within this said realm, hereafter do take upon him or them to dry calander any worsted within this said realm, upon pain to forfeit for every worsted that is so dry calandred one C. s. (2) And over that, whereas the said old calandring of worsteds, called wet calandring, hath been used well and substantially in times past in the city of *Norwich*, and yet is, by persons having cunning in the same; be it therefore furthermore enacted, ordained, and established by the authority aforesaid, That no person ne persons hereafter do take upon him or them to wet calander any worsted, but only such persons as have been bound apprentices to other persons of the same craft and occupation of wet calandring

What persons
only shall wet
calander wor-
sted.

of worsteds by the space of seven years, or be cunning in the same, and their cunning approved and admitted by the mayor of the said city of *Norwich* for the time being, and the two masters of the said craft and occupation yearly to be chosen within the said city of *Norwich*, or in the county of *Norfolk*, of the craft of wet-calandring, upon pain of every such person or persons, which hereafter shall do the contrary, to forfeit for every piece so calandred against the ordinances and purveyances aforesaid, C. s. the one moiety of which penalties or forfeitures above specified, and every of them, to be to the King our sovereign lord, and the other moiety thereof to be to the masters of the said occupation of wet calandring for the time being. And that it shall be lawful to the masters of the said occupation for the time being, and their successors, to sue for the one moiety of all such penalties hereafter to be forfeited, against every such person or persons as hereafter shall do contrary to the form and effect of this statute, by action of debt, by writ at the common law, or by bill or plaint, after the custom of such city, port, or town where shall happen any such forfeiture to be or fall, or by information in the King's exchequer. (4) And that no protection or esoin, ne no wager of law for the defendant in any such action, plaint, or information, be allowable before any manner of justices, where any such suit or information shall be used for the said forfeiture. And this act to endure to the next parliament.

The forfeitures of the offenders, who shall have them, and by what means.

Made perpetual by 25 H. 8. c. 5.

CAP. V.

An act concerning jurors in London.

WHERE in this present parliament holden at Westminster the fourth day of February, in the third year of the reign of our sovereign lord the King, and prorogued unto the fourth day of November, in the fourth year of the reign of our said sovereign lord the King, and adjourned unto Westminster aforesaid; forasmuch as after issues joined in actions and suits commenced, taken, or depending in the King's courts before himself in his bench, and before his justices of the common bench, and also in his exchequer, at the King's suit, or at the suit of the party, triable in the city of London, as well the King as the parties suffered great delay many times for default of appearance of the juries impanelled to try the said issues, and many times for lack of jurors not having lands or tenements of the yearly value of xl. s. (2) it was the said fourth day of November ordained and enacted, by the authority of this present parliament, that the sheriffs of London for the time being, should have full authority and power to return in panels, or arrays of all actions and suits then depending, or that should depend in any of the said courts; or exchequer, persons being citizens, having goods to the value of C. mark, or above, to try the issue joined in every such action or suit. (3) And that the persons so returned, having goods to the value of C. mark, or above, should be sworn, and do in all such juries in likewise in every thing as other persons should do, having lands and tenements of the yearly value of xl. s. over all charges. (4) And that the sheriffs of the said city for the time being,

A rehearsal of the statute of 4 H. 8. c. 3. touching juries in London.

ing, should return upon the first distress in every such action or suit, upon every of the jurors impanelled to try the issues thereof, xx. d. and upon the second distress, upon every of the same jurors, xl. d. and upon every distress after that, upon every of the same jurors the double, till a full jury in every such action and suit should appear, and be sworn to try the issue joined in the same. (5) And that the sheriffs that should make any return upon such distresses, contrary to the form aforesaid, should forfeit for every such default, x. li. the one half thereof to be to the King, and the other half to the party that will sue therefore :

II. And that the defendant in any such action should not be admitted to wage his law, nor protection therein for him allowed ; (2) which statute was only made for the good expedition of justice, for to have quick appearance of jurors citizens of London at Saint Martin's le Grand, within the said city, where all juries were and been bounden only to appear to try the issues joined of all things triable in London by process of *Nisi prius* out of the said courts, and in none other place, according to their ancient liberty, privilege, and custom :

The explanation of the statute of 4 H. 8. c. 3-

III. Wherefore, for more plain declaration of the same good statute, be it ordained and established by the authority of this present parliament, That the said act be expounded, interpreted, and taken, that the sheriffs for the time being be bounden to return at every first distress of *Nisi prius*, to be had at the said St. Martin's, in every such action or suit, upon every of the jurors impanelled to try the issues thereof, xx. d. and upon the second distress of *Nisi prius*, upon every of the same jurors, xl. d. and upon every distress of *Nisi prius* after that, upon every of the same jurors the double, till a full jury in every such action and suit shall appear, and be sworn to try the issue joined in the same. (2) And that no sheriff of the said city, or other, any thing forfeit by force or colour of the said statute, for any return to be made, except only upon returns to be made contrary to the form, declaration, interpretation, and exposition of this statute, that is to say, upon writs of distresses before justices or justice of *Nisi prius* within the said city, (3) and that upon all other writs and processes, that be and shall be awarded out of the said courts or exchequer, it shall be lawful to the sheriffs for the time being, to make their returns according to the order of the law, as the sheriffs of London were wont to do before the making of the said statute, without any loss or forfeiture.

What issues the sheriffs of London shall return upon jurors.

CAP. VI.

An act concerning surgeons to be discharged of quests and other things.

The causes why surgeons have been exempt from bearing of armour or other services.

Sheweth unto your discreet wisdoms, your humble orators the wardens and fellowship of the craft and mystery of surgeons enfranchised in the city of London, not passing in number twelve persons, that whereas they and their predecessors, from the time that no mind is to the contrary, as well in this noble city of London, as in all other cities and boroughs within this realm, or elsewhere, for the continual ser-

Service and attendance that they daily and nightly, at all hours and times, give to the King's liege people, for the relief of the same, according to their science, have been exempt and discharged from all offices and busyness, wherein they should use or bear any manner of armour or weapon, and with like privilege have been intreated as heralds of arms, as well in battles and fields, as other places, there for to stand unbarnessed and unweaponed, according to the law of arms, because they be persons that never used feats of war, nor ought to use, but only the busyness and exercise of their science, to the help and comfort of the King's liege people in the time of their need: (2) And in the aforesaid city of London, from the time of their first incorporation, when they have been many mo in number than they be now, were never called nor charged to be on quest, watch, nor other office, whereby they should use or occupy any armour, or defensible geer of war, where through they should be unready, and letted to practise their cure of men being in peril: (3) Therefore, for that there be so small number of the said fellowship of the craft and mystery of surgeons, in regard of the great multitude of patients that be, and daily chance, and infortune happeneth and increaseth in the foresaid city of London, and that many of the King's liege people suddenly wounded and hurt, for default of help in time to them to be shewed, perish, and so divers have done, as evidently is known, by occasion that your said suppliants have been compelled to attend upon such constableness, watches, and juries, as is aforesaid; (4) be it enacted and established by the King our sovereign lord, and the lords spiritual and temporal, and by the commons, in this present parliament assembled, and by authority of the same, That from henceforth your said suppliants be discharged, and not chargeable of constableness, watch, and of all manner of office bearing any armour, and also of all inquests and juries within the city of London: (5) and also that this act in all things do extend to all barber-surgeons, admitted and approved to exercise the said mystery of surgeons, according to the form of the statute lately made in that behalf, so that they exceed not, ne be at one time above the number of twelve persons.

The surgeons of London shall be exempt from bearing armour or parish offices, &c.

3 H. 8. c. 11.
32 H. 8. c. 42.

CAP. VII.

All strangers being of the fellowship of the Trinity, &c. may buy leather curried in open markets, &c. sufficiently wrought and sealed, &c.

Rep. 5 El. c. 8.
1 Jac. 1. c. 22,

CAP. VIII.

Every person that will sue for the King's pardon granted upon certain articles, shall have it,

EXP.

Statutes made at *Westminster*, Anno 6 HEN. VIII.
and Anno Dom. 1514.

THE King our sovereign lord Henry the Eighth after the conquest, by the grace of God King of England and of France,

and lord of Ireland, at his parliament holden at Westminster the fifth day of February, in the sixth year of his most noble reign, after the prorogation, to the honour of God and holy church, and for the common weal and profit of this his realm, by the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, hath done to be ordained, made, and enacted, certain statutes and ordinances, in manner and form following.

CAP. I.

Rep. 7. H. 8. What apparel temporal men of every degree and estate may wear, and what not: The forfeitures of the offenders, and
c. 6.
1 Jac. 1, c. 25, who shall have those forfeitures, and how they shall recover them.

CAP. II.

Rep. 33 H. 8. The statute made Anno 3 H. 8. c. 3. concerning maintenance
c. 9. of archery, shooting in long-bows, and bringing in bow-staves into this realm wheresoever, confirmed, and made perpetual.

CAP. III.

Rep. by 7. H. 8. The several wages of several sorts of servants in husbandry, artificers, and labourers, and the penalty of those that take
c. 5. and 5 Eliz. more. At what hours an artificer and labourer shall begin
7. 4. and end his work, and what time he shall have for his meals and sleep.

CAP. IV.

An act for proclamations to be made before the exigents be awarded in foreign shires.

4 H. 8. c. 4.

WHERE at a parliament holden at Westminster the fourth day of February, in the third year of the reign of our sovereign lord King Henry the Eighth that now is, and from thence (for divers urgent causes) unto the fourth day of November, the fourth year of the reign of our said sovereign lord, prorogued, one good and reasonable act was made and ordained, touching writs of proclamation to be made upon exigents sued against any persons in foreign or other shire, than where such defendant be called of; only to endure from thence unto the next parliament: (2) which act is now determined, the effect and true intent of which said act is thought right available, and commodious, and in avoiding of outlawries hereafter to be pronounced against any person by reason of such foreign suits, to have continuance, and perpetually to endure: (3) be it therefore, by the King our sovereign lord, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same parliament, enacted, ordained, and established, That if and where any writ of exigent, at any time from the fifteenth day of Easter next coming, or after, shall be awarded at the suit of our sovereign lord the King, or any other person or persons, plaintiff or plaintiffs, in any action personal, against any person or persons called of any shire or city, being a shire-corporate of itself, or else late of any such shire or city, other than into such shire or city where-into

Proclamation awarded in a foreign country than where the defendant is sued.

into such exigent shall be awarded, to be called according to the law; (4) and also in every writ of exigent in any action personal, whereof the process or exigent at the said fifteenth day of *Easter*, or after, shall be directed into *London* or *Middlesex*, the defendant being called late of *London*, or late of *Middlesex*, and at the time of the exigent awarded not dwelling in *London*, nor in *Middlesex*, or else that the said defendant or defendants in the same exigent dwell in any other shire or place than where the King's writ runneth; (5) then the justices before whom any such exigent is to be awarded, in all actions where the exigent shall not be directed into *London* nor *Middlesex*, to award a writ of proclamation to be directed to the sheriff of the same county, where it doth appear by the using of such action, that the party defendant is or lately was dwelling, if the King's writ there be current, and else to the next shire adjoining to the county or counties, or other places, whereof the party is called, or lately supposed by the said exigent to have his being of, where the King's writ so runneth not. (6) And in every action as aforesaid, whereof the exigent shall be directed into *London* or *Middlesex*, and the defendant or defendants in the same called late of *London* or of *Middlesex*, and at time of the exigent awarded, not having his or their dwelling in *London* or *Middlesex*, then the writ of proclamation to be awarded, made, and directed unto the sheriff of the shire, where the defendant at the time of the exigent so against him or them awarded shall have his dwelling, or, in case where the King's writ runneth not, unto the next shire thereunto adjoining; (7) the which said writ of proclamation shall contain the effect of the same action, and that the sheriff of the county, to whom any such writ of proclamation shall be directed, shall make three proclamations within his county at three several days, that is to say, two of the same proclamations in the full and plain shire-court of the same county, and the third of the said proclamation to be made at the general sessions in those parts, where the party defendant is supposed to be dwelling, or in the parts of the county next adjoining to the county or counties where the King's writ runneth not, that the party defendant yield himself to the sheriff of the foreign county, to whom any such exigent in any action personal is awarded; so that the sheriff of such foreign county may, upon his yielding, have the body of the said defendant before the justices; before whom any such exigent is awarded, at the day in the same exigent comprised, there to answer to the plaintiff in the same according to the law.

II. And that every such writ of proclamation shall have the same day of return, as the writ of exigent upon such foreign action so awarded shall have: (2) and that every such writ of proclamation be delivered of record to the sheriff or deputy of the county, into the which any such writ of proclamation is to be awarded; (3) and that the sheriff of the same county duly do execute the same, and thereof make true return at the day

Proclamations where the party is dwelling in a county palatine.

Dyer, 41, 213.
Bro. Err. 106.

Three proclamations.
For proclamations in counties palatine, see 1 Ed. 6. c. 10. f. 2. & 5. & 6 Ed. 6. c. 26. f. 2. 31 El. c. 9.

The proclamation shall be delivered to the sheriff of record.

of the same writ appointed, upon pain to forfeit such amercement unto the King our sovereign lord, and to his heirs, as by the discretion of the justices, before whom such exigent shall be returnable, shall be set.

III. And that the officer, in whose office such exigent is taken, make out the said writ and writs of proclamation, as hereafter shall be awarded in any of the said courts.

The officer's fee for making of proclamation. IV. And that the same officer take no more for the making of any such writ of proclamation, and the entering of the same of record, but only vi. d.

An outlawry avoided without writ of error. V. And if any outlawry hereafter be had or promulged against any person or persons, in any action personal, in any foreign county, and no writ of proclamation (as is aforesaid) awarded and returned, that then every such outlawry to be utterly void and of no effect ne force in the law; and that all outlawries had contrary to this act be avoided by averment, without suing of any writ of error.

Exp. 4 H. 7.

c. 39.

7 H. 8. c. 1.

27 H. 8. c. 22.

5 & 6 Ed. 6.

c. 5.

5 El. c. 2.

39 El. c. 1.

CAP. V.

Whosoever decayeth any town or house of husbandry, or doth convert tillage into pasture, shall forfeit to the lord of the fee half the profits thereof. *To endure to Christmas.*

CAP. VI.

An act for the remitting prisoners with their indictments to the places where the crimes were committed.

WHERE divers felons and murderers, upon feigned and untrue surmises, have oftentimes removed as well their bodies as their indictments, by writ and otherwise, before the King in his bench, and cannot by the order of the law be remitted and sent down to the justices of gaol-delivery, or of the peace, ne other justices ne commissioners, to proceed upon them after the course of the common law: (2) Be it therefore ordained and enacted by the authority of this present parliament, That the justices of the King's bench for the time being have full authority and power, by their discretions, to remand and send down, as well the bodies of all felons and murderers brought or removed, or that shall be removed or brought before the King in his bench, as their indictments, into the counties where the same murders or felonies have been committed and done; (3) and to command all justices of gaol-delivery, justices of peace, and all other justices and commissioners, and every of them, to proceed and determine upon all the aforesaid bodies and indictments so removed, after the course of the common law, in such manner as the same justices of gaol-delivery, justices of peace, and other commissioners, or any of them might or should have done, if the said prisoners or indictments had never been brought into the said King's bench.

The justices of the king's bench may remit prisoners out of that court into the country to be tried.

CAP. VII.

The several fums that watermen shall take for their fare from ^{Altered by 2 &} one place to another near to the city of London; and the water- ^{3 Ph. & Mar.} men refusing to accept the said fares or wages limited, shall ^{c. 16.} forfeit the treble value thereof.

CAP. VIII.

An act concerning the making of certain woollen cloths in the county of Devon.

WHEREAS at the parliament holden at Westminster the twenty ^{A rehearsal of} third day of January, after the last prorogation thereof, in ^{the statute of} the fifth year of the King's most noble reign, the commons and inhabitants ^{5 H. 8. c. 2.} (clothmakers and buyers of the same) within the county of Devonshire, touching the ^{making of} prayed and desired, That where divers and many cloths, called White ^{white straits} Straits, be and have been continually made within the said county, in Devonshire. ^{in Devonshire.} to the great profit of the King's subjects there, the which cloths were wont to be well and sufficiently made, and to bear their breadth, yard broad and half quarter raw, and xv. yards of length; (2) and that no man in times past hath used to make them, but that the maker thereof hath set his special mark upon every of the said cloths so by him or them made, whereby every man may know their own cloths from other mens, by reason of their said several marks; (3) so at the said parliament it was shewed by the inhabitants (clothmakers and buyers of the same) in the county aforesaid, that now-a-days the said cloths be not sufficiently made, ne bear their length and breadth according as they should do; ne marked with every man's own mark, whereof great inconvenience doth daily ensue and increase, to the impoverishing and hurting as well of the King's subjects, buyers and sellers of the same, as merchants strangers. (4) Wherefore the premises considered, it was therefore enacted by the King our sovereign lord, by the assent of the lords spiritual and temporal, and the commons, in the same parliament then assembled, and by the authority of the same, That from the feast of Pentecost next after the making of the said act, no person should make any such cloths, called White Straits, to sell, without that it or they be, when they be raw, ready to be taken, of the breadth of a yard and half a quarter, and of length xv. yards; (5) and that no person make any such cloths, but if he set his special mark upon every of the said cloths so by him or them made, (6) and that no person use no mark on his cloths, such as any other person doth or hath used before him, upon pain of forfeiture of every of the said cloths, the one half thereof to be to the King, and the other half thereof to him that so seisset the said cloths so made or marked contrary to the form and effect afore expressed. (7) And this act to endure unto the first day of this present parliament. (8) And forasmuch as the said act is thought to be very necessary and behovable, be it therefore ordained, established, and enacted by The aforesaid the King our sovereign lord, and the lords spiritual and temporal, and the commons, in this present parliament assembled, ^{statute confirmed.} and by authority of the same, That the said act concerning making

The length
and breadth of
russet straits.

making of cloths, called *White Straits*, and every thing therein contained, stand and be in his full strength, virtue, and effect. (9) And over that, it is ordained by the said authority, That no person or persons from the feast of Saint *John Baptist* next coming shall make any such cloths, called *White Straits*, ne any cloths of that making of russet colour, called *Russet Straits* without that they and every of them (being raw) be of the breadth and length before rehearsed, and to be marked in manner and form before expressed, and so being raw, to weigh xiv. pound by true weight at least, upon pain of forfeiture of every of the said cloths made, and being less in length or else in breadth, or marked contrary to the form and effect before rehearsed, or else being of weight contrary to the form before expressed; (10) the one half of the said forfeiture to be to the King, and the other half to him that so seisth the said cloths so made, and being of weight contrary to the form and effect afore said. (11) And this act to endure for ever.

7 Ed. 6. c. 9.
27 El. c. 18.

C A P. IX.

An act to avoid deceits in making of woollen cloths.

The weight of
wool deliver-
ed to break,
kemb, card,
or spin.

FOR the deceitful draping and making of woollen cloths, made and draped within this realm, and also for measuring in the sale of the same, our sovereign lord the King, by the advice of the lords spiritual and temporal, and of the commons, in this present parliament assembled, and by the authority of the same, hath ordained, established, and enacted divers ordinances and statutes for the true making and draping of such woollen cloths, and for measuring in sale the true content of the same in manner and form following: (2) First, That the wool which shall be delivered for or by the clothier to any person or persons for breaking, kembering, carding, or spinning of the same, the delivery thereof therefore shall be by even, just, and true poise and weight of *Haverdepois*, sealed by authority, not exceeding in weight after the rate of twelve pounds seimed wool, above one quarter of a pound for the waste of the same wool, and in none other manner. (3) And that the breaker or kember to deliver again to the same clothier the same wool so broken and kembered, and the carder and spinner to deliver again to the said clothier yarn of the same wool, by the same even, just, and true poise and weight (the waste thereof excepted) without any part thereof concealing, or any more oil, water, or other thing put thereunto deceivably, (4) upon the pain to forfeit to the lord of the leet within the precinct whereof such default is done, for every such default xij d, upon due proof of such deceit afore, and by the discretion of the mayor, bailiff, or other head officer of the city, borough, or town where the deceit shall appear, the same mayor, bailiff, or head officer calling to him such persons as shall seem to him convenient for the proof of such deceit.

The weight of
wool and yarn
re-delivered to
the clothier.

A weaver shall
put all the
yarn into the

II. Item, That the weaver, which shall have the weaving of any woollen yarn to be webbed into cloth, shall weave, work, and

and put into the web for cloth to be made thereof, as much web, or restore it.
and all the same yarn, as the clothier, or any person for him shall deliver to the same weaver, with his used mark put to the same, without changing, or any parcel thereof leaving out of the same web, or that to restore to the same clothier the surplus of the same yarn, if any shall be left not put into the same web, and without any more oil, breene, moisture, dust, sand, or other thing deceivably putting or casting to the same web, upon pain to forfeit for every default three shillings and four pence.

III. Item, That no manner person buy any coloured wool, Coloured wool
or coloured woollen yarn, of any carder, spinner, or weaver, to be bought
but only in open market upon pain of forfeiture of such wool in open mar-
and yarn so bought. ket only.

IV. Item, That the walker and fuller shall truly walk, full, The walker
thick, and work every web of woollen yarn which he shall have and fuller's
to walk, full, thick, or work, without any flocks, or any duty.
other manner deceit to be used on the same, and shall not row
nor work any cloth or web with any cards, on the right side
nor on the wrong side, upon pain to forfeit for every such default
six shillings eight pence.

V. Item, That the clothier, nor other person whatsoever, Shrinking of
shall not put any cloth to sale, which when it shall be full wet cloth.
shall shrink more than one yard in all the length, and one quarter Vasses not a-
of a yard in the breadth, for the more part thereof; (2) and above the value
cloths called *Narrowes* or *Straits* after the rate, upon pain to of 40s. &c.
forfeit for every cloth otherwise put to sale vj. s. viij. d. and shall not be for-
beside that, to deduct of his price for the same, to be rebated feited, 14 & 15
to the buyer thereof, as much after the rate as the same cloth H. 8. c. 11. f. 5.
so otherwise put to sale, being full wet, shall be shrunk more
than one yard of that it was in length at the time of the same
sale, and as it shall (being wet) want of the breadth of one yard
and three quarters of a yard.

VI. Item, That the buyer of woollen cloths, denizen or No straining
alien, after the buying thereof, shall not draw, nor cause to of cloth by
be drawn in length, nor strain, nor do to be strained in breadth tenter or
the same cloths, or any of them, by tentour or wrinch. wrinch.
by any other mean, upon pain of forfeiture for every of the same 5 & 6 Ed. 6. c. 6.
cloths so to be drawn or strained C. s. 39 El. c. 20.

VII. Provided alway, That if such buyer of woollen cloths,
for proof cause the same to be wet, he may draw and strain
them for evening of them only, so that he exceed not one
yard in length more than it shall be when it shall be full wet.

VIII. Item, That no manner person work, or put upon No flocks shall
any woollen cloths, any flocks, or other deceivable thing, upon be put in cloth.
pain to forfeit for any cloth so wrought deceivably with flocks,
or other deceivable thing xxs.

IX. Item, That no manner person, buy or sell any woollen The measure
cloths by other measure, more or less, than after the true con- of cloth by
tent thereof to be meten and measured by the yard, adding to yard and inch.
every yard one inch of the rule, upon pain to forfeit for every 3 & 4 Ed. 6. c. 2.
cloth

cloth to the contrary measured, C. s. (2) the one moiety of all the said forfeitures to be to our sovereign lord the King; and to every person which shall sue by writ, bill, or other plaint of debt in that behalf against the person doing to the contrary of any of the said ordinances, the other moiety; and that the defendant in any plea, upon any such action, be not admitted to wage his law, nor any protection nor essoin for any such defendant be allowed in the same.

Certain cloths to which this act does not extend.

X. Provided always, That this act extend not to woollen cloths called *Kendals*, nor cloths called *Carpenal-whites*, commonly made for lining for hosen, nor to any cloths called *Tostokes*, made in the county of *Devon*, (2) nor to any woollen cloths made in the county of *Cornwall*, nor for any cottons or plain lining, or friese made or to be made in *Wales*, *Lancashire*, and *Cheshire*, or any of them.

C A P. X.

An act for commission of sewers.

Commissions of sewers may be granted according to the statutes,
6 H. 6. c. 5.
& 4 H. 7. c. 1.

WHERE in the parliament of the right noble Prince Henry the Sixth, late King of England, holden at Westminster, the first year of his reign, one good statute was made and ordained, That for ten years then next following, several commissions of sewers should be made to divers persons, by the chancellor of England for the time being to be named, in divers parties of this realm, where need were, after the form and tenor of a commission in the said act specified; which act and other acts for the authority of such commissioners, and executions of the same, have since been made and ordained and continued, as been more plainly rehearsed in the parliament holden in the fourth year of the reign of King Henry late King of England, the Seventh; and in the same parliament the said fourth year it was (among other) enacted and established, That for fifteen years then following, several commissions of sewers should be made to divers persons, by the chancellor of England for the time being to be named, in all parties of this realm, and of the marches of Calais, Guines, and Hammes, where need shall be, made according to the said commission contained in the said sixth year of King Henry the Sixth; and that all such commissioners should have full power, to make, ordain, and execute ordinances, and all other things do according to the purport of the same commission, which fifteen years comprised in the said act aforesaid, been now determined; pleaseth it therefore the King our sovereign lord, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, to ordain, establish, and enact, That the said acts, and all other acts, and authorities heretofore made concerning commissioners of sewers, and their commissions and authority, not being before this time repealed, abide, and stand from henceforth good and effectual to endure for ever: and also that the chancellor of England for the time being, shall have from henceforth full power and authority for ever, to grant commissioners of sewers into every part of this realm, and the said marches, where need is or shall be, to certain persons by the said chancellor for the time being to be named,

named, according to the form and effect of the said commission and act expressed in the said parliament holden the said sixth year of the reign of King *Henry* the Sixth: and over that be it ordained, enacted, and established by the said authority, That all such commissioners have, and shall have full power and authority to put their commission in due execution, and to make and execute statutes and ordinances, and all other things to do after the effect and purport of their commission; and that all commissions of sewers granted or made since the said twenty years determined, and the acts, ordinances, and all executions, and other things by the commissioners of the same, concerning the said commissions, or any two of the same commissioners, and every thing in the same comprised, be and shall be, effectual and of like strength, as if the said commission had been made or granted within the said five and twenty years, immediately after the said parliament holden the said fourth year of the reign of King *Henry* the Seventh.

II. And also be it enacted by the said authority, That the chancellor of *England* for the time being, shall make no commission to any person or persons for the execution of this act, except he have lands and tenements of estate of freehold, to the yearly value of twenty pounds at the least, or else be justice of *Quorum* learned, within any of the shires where he shall be made commissioner.

III. And if any such commission be directed to any person or persons, not having lands and tenements to the yearly value of twenty pounds, or not being one of the justices of *Quorum* learned as aforesaid, That every such commission, and all presentments and accusations, had and presented before any such commissioners, and also all and every fines set by the said commissioner or commissioners, to be utterly void and of none effect. This act to endure but for ten years, and from the end of the same ten years, unto the next parliament.

This act seems to be revived by 23 H. 8. c. 5.

C A P. XI.

The statute of 1 R. 3. c. 11. touching bringing in of bow-staves, shall be extended to strangers only, and not to the King's subjects. *To endure to the next parliament.*

C A P. XII.

None shall carry beyond the sea any *Norfolk* wool meet for the making of worsteds or stamins, upon pain of forfeiture of forty shillings for every stone. *To endure to the next parliament.*

C A P. XIII.

Whosoever shall shoot in, or keep in his house, any hand-gun, or cross-bow, without the King's licence, shall forfeit the same, and ten pounds for every shoot, unless he hath to the yearly value of three hundred marks. All former statutes 14 H. 8. c. 7. touching shooting in cross-bows and hand-guns repealed, by 25 H. 8. c. 17. 33 H. 8. c. 6.

CAP. XIV.

The statute of 12 Ed. 4. c. 3. for the payment of tonnage and poundage shall stand good during the King's life.

CAP. XV.

An act annulling second letters patents during the King's pleasure, making no mention of the first letters patents.

THE King's Highness of his goodness calling to his remembrance, that where his Grace hath granted to divers of his servants (for their service to his Grace done) lands, tenements, fees, offices, and other things, to have to them during his pleasure; (2) and after other persons, by their sundry suits, have obtained of his Highness other letters patents of the same, not advertising his Grace of his former grants, whereby the said former patentees have been avoided, and put from the advantage of their said former grants and patents, contrary to the intent and grant of our said sovereign lord: (3) Wherefore be it ordained, established, and enacted by our said sovereign lord, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That if any person or persons from henceforth do make suit to the King's Highness for any lands, tenements, offices, or any other things so by his Grace granted, or hereafter to be granted to any person or persons during his pleasure, the said first patentee then being in life, that he do express in his said bill of petition or patent the tenor of the said former patent, and that the King then hath determined his pleasure against the said first patentee; (4) or else the second letters patents of any of the premisses to any person hereafter to be granted, to be void and of none effect.

II. This act to commence and take effect from the fourth day of April next coming, and not before.

CAP. XVI.

An act that no knights of shires nor burgessees depart before the end of the parliament.

FORASMUCH as commonly in the end of every parliament divers and many great and weighty matters, as well touching the pleasure, weal, and surety of our sovereign lord the King, as the common weal of his this realm and subjects, are to be treated, communed of, and by authority of parliament to be concluded; (2) so it is, that divers knights of shires, citizens for cities, burgessees for boroughs, and barons of the cinque ports, long time before the end of the said parliament, of their own authorities, depart, and go home into their countries, whereby the said great and weighty matters are many times greatly delayed: (3) In consideration whereof be it enacted by the King our sovereign lord, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That from henceforth none of the said knights, citizens, burgessees, and barons, nor any of them that hereafter shall be elected to come or be in any parliament, do

not

1 Leon. 321.
3 Leon. 242,
247.

Second letters patents making no mention of the first, annulled.

What shall be expressed in the King's letters patents of lands, offices, &c. before granted to some other.

Knights nor burgessees of the parliament may not

not depart from the said parliament, nor absent himself from the same, till the said parliament be fully finished, ended, or prorogued, except he or they so departing have licence of the speaker and commons in the said parliament assembled, and the same licence be entered of record in the book of the clerk of the parliament, appointed or to be appointed for the commons house, upon pain to every of them so departing or absents themselves in any other manner, to lose all those sums of money which he or they should or ought to have had for his or their wages; (4) and that all the counties, cities, and boroughs whereof any such person shall be elected, and the inhabitants of the same, shall be clearly discharged of all the said wages against the said person and persons, and their executors for evermore.

CAP. XVII.

The river of *Canterbury* shall be deepened and enhanced, so that **P R.** lighters, &c. may pass upon it.

CAP. XVIII.

The under-sheriff, and all other officers of sheriffs, may continue and occupy their offices within the county of the town of *Bristol*, from year to year, in such sort as the like do in *London*, without any forfeiture, notwithstanding the statutes of 42 *Ed.* 3. c. 9. & 23 *H.* 6. c. 8. **P R.**

Statutes made at *Westminster*, Anno 7 **HEN. VIII.**
and *Anno Dom.* 1515.

THE King our sovereign lord Henry the Eighth after the conquest, by the Grace of God, King of England, and of France, and lord of Ireland, at his parliament holden at *Westminster* the twelfth day of November, in the seventh year of his most noble reign, to the honour of God, and of holy church, and for the common weal and profit of this his realm, by the assent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by authority of the same, hath done to be ordained, made, and enacted, certain statutes and ordinances, in manner and form following.

CAP. I.

If any person shall decay a town, a hamlet, or house of husbandry, or convert tillage into pasture, the immediate lord of the fee shall have the moiety of the offender's land, until the offence be reformed. **5 H. 8. c. 13.**
Eliz. c. 2.
Rep. 39 El. c. 1.
& 21 Jac. 1. c. 28.

CAP. II.

A repeal of all licences granted contrary to the statute of 4 *H.* 7. c. 10. to bring into this realm *Gascoigne* wines, or *Thoulouse* woad, but in *English* ships. **1 El. c. 13.**

Rep. 31 El. c. 5.
Bro. action popular, 6.
Savil, 6.

CAP. III.

Within what time all actions, suits, bills, indictments, or informations popular shall be sued, either for the King, or for the party.

CAP. IV.

An act concerning avowries for rents and services.

How rents and services may be recovered by avowry.

WHEREAS divers as well noblemen as other the King's subjects, have suffered recoveries against them of divers their manors, lordships, lands, and tenements, for the performance of their wills, or for the surety of their wives jointures, or for the jointure of their sons and heirs apparent, and their wives, or of any other person or persons, according to their covenants and agreements, (2) and those persons that so have recovered the said manors by the course of the common law, had no remedy, nor may have, to compel the fermors, freeholders, and tenants, which held of the same manors by rents, services, or customs, to attune to them; (3) nor could by the order of the law attain to the said rents, services, or customs (if they were denied) by distress or action, without they could once attain to the possession of the same rents, services, and customs, by paying or doing the said rents, services, or customs, by the same freeholders, fermors, and tenants; (4) which to do, divers and many of them have oftentimes refused, and yet do, to the great offence and charge of their conscience, not only to the disheritance of the said recoverers, but also in breaking of the last wills of them against whom such recovery is had, and also to the disheritance of the said husband and wife, or other, to whose use the same recovery was so had. (5) Also if there were any advowson appendant to any of the said manors, the same advowson had fallen void, and a stranger had presented, the said recoverers, nor they to whose use the same recoveries were had, had no remedy for the same disturbance, and sometime thereby they have been disinherited.

Recoverers have no remedy by the common law to recover their rents or presentations. Dyer, 31.
Bro. Mesne, 24.
Vaughan, 48.

The recoverer may distrain for the rents and services of the tenant, fermor, &c. and shall have a *Quare impedit*.

II. Be it therefore enacted by this present parliament, and by authority of the same, That the recoverers in all such recoveries, their heirs and assigns, may from henceforth distrain for the foresaid rents, services, and customs, so being due and unpaid, and make avowry, or justify the same, as those persons, against whom the said recovery is, should have done if the said recovery had not been had; (2) and also have like remedy for the recovering of the said rents, services, and customs by avowry; (3) and also a *Quare impedit* for the said advowson, if any disturbance be made: as those persons, against whom the said recoveries were had, might or should have had by the course of the common law afore the said recovery, if any such rents, services, or customs had been denied them, or any such disturbance had been had in their times.

The avowant in *Replegiari* shall recover his damages and costs of suit. 2 Cro. 520.

III. And also that every avowant, and every other person or persons that make avowry, conscience, or knowledge, or justify, as bailly to any other person or persons in any *Replegiari*, or second deliverance for any rent, custom, or service, if their avowry, conscience, or justification be found for them, or the plaintiffs in the said actions otherwise barred, shall recover their damages and

and costs that they have sustained, as the plaintiff should have done, if they had recovered in the said replevins.

19 H. 8. c. 11.
Bro. damages,
8. 2 Roll, 140.
21 H. 8. c. 19.

CAP. V.

Certain labourers working in *London* may take such wages as they did take before the statute of 6 H. 8. c. 3.

CAP. VI.

A repeal of the statute made Anno 6 H. 8. c. 1. and of all other statutes made for apparel before it. What kind of apparel temporal men of all degrees and estates are allowed, and what prohibited, to wear, and upon what penalties, and who shall have the forfeiture, and by what means they shall be recovered.

Rep. 24 H. 8.
c. 13. & 1 Jac. 1.
c. 25.

Statutes made at *Westminster*, Anno 14 and 15 HEN. VIII. and Anno Dom. 1522-3.

THE King our sovereign lord Henry the Eighth after the conquest by the Grace of God King of England, and of France, and lord of Ireland, at his parliament holden at London the fifteenth day of April, in the fourteenth year of his most noble reign, and from thence adjourned to Westminster the last day of July, the fifteenth year of his said reign, and there holden, to the honour of God and holy church, and for the weal and profit of this his realm, by the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, hath done to be ordained, made and enacted, certain statutes and ordinances, in manner and form following.

CAP. I.

No person shall sell to a merchant stranger any broad white woolen cloth made in *England*, unless he cannot sell it to some *English* merchant within eight days after he brought it to *Blackwell-hall*, except the sale be in fairs, ports, or creeks. To endure to the last day of the next parliament.

CAP. II.

What apprentices strange artificers shall take, &c.

BE it enacted by the King our sovereign lord, and the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That no manner of stranger, born out of the King's obedience, be he denizen or not denizen, using any manner of handicraft within this realm, shall take from henceforth any apprentice, except the same apprentice be born under the King's obedience, (2) upon pain to forfeit for every apprentice that he shall take contrary to this act, x. li. the one half thereof to be to our sovereign lord the King, the other half to him or them that shall sue for it, be it by action of debt, bill, plaint, information, or otherwise; (3) in which suit the defendant shall not be admitted to wage his law, ne any essoin, licence, or protection to be allowed.

No stranger shall take an apprentice, but one which was born under the King's obedience.
Made perpetual by 21 H. 8. c. 16. f. 2. and explained by 22 H. 8. c. 13.

No alien shall keep above two journey-men, except they be born under the King's obedience.
5 El. c.4.

All strangers dwelling within two miles of London, shall be under the reformation of the wardens of handicrafts within the city.

The wardens, &c. shall assign a proper mark for strangers wares.

Reformation of strangers wares and workmanship.

Smiths, joiners, coopers, which be strangers must mark their wares.

II. Be it also enacted by the authority aforesaid, and under like pain to be forfeited and recovered as is aforesaid, That no stranger, being alien born, and using any manner of handicraft within this realm, from the Feast of *All Saints* next ensuing, shall in any manner of wise, use, take, retain, or keep in his or their services, any manner of journeyman or covenant-servant, above the number of two at one time, except the same journeyman or covenant servant be born under the King's obedience.

III. And over this, be it enacted by authority aforesaid, That all manner of persons, being aliens born, using any manner of handicraft, be they denizens or not denizens, and inhabiting within the city of *London*, or suburbs of the same, within the town of *Westminster*, the parish of *St. Martin's in the fields*, the parish of *Our Lady of the strand*, *St. Clement of Danes* without *Temple-bar*, *St. Giles in the fields*, *St. Andrew's in Holbourn*, the town and borough of *Southwark*, *Shoreditch*, *White-Chapel* parish, *St. John-street*, the parish of *Clerkenwell*, *St. Botolph's* parish without *Aldgate*, *St. Katharine's*, *Bermonsey-street*, or within two miles compass of the said city of *London* or the parishes aforesaid, shall be under the search and reformation of the wardens and fellowships of handicrafts within the said city of *London*, with one substantial stranger, being an housholder of the same craft, by the same wardens to be chosen, that is to say, every such stranger occupying any mystery or handicraft, as is aforesaid, shall be under the search and reformation of the wardens, and one substantial stranger, being an housholder, of that craft that they shall so occupy.

IV. And that the wardens of the said city of every such handicraft, with one stranger or housholder (as is aforesaid) of the same craft, have full power and authority, by this present act, to limit and appoint to every stranger of the mystery and handicraft that they be of, inhabiting within the said city, suburbs, places, or precinct above remembered, a proper mark, without taking any thing therefore, by the which their wares, vessels, and workmanships that they make may be known.

V. And that the wardens of every such handicraft and mystery aforesaid, calling to them one stranger of the mystery and occupation that they be of, being an housholder, shall have full power and authority to search, view, and reform, as well within the said city of *London*, as in all other places and limits before said, all manner of wares of workmanships made by any manner of such handicraftsmen, being aliens born, as is aforesaid.

VI. And that no stranger born out of the King's obedience, using any of the mysteries or occupations of smiths, joiners, or coopers, shall make any manner of wares or vessels concerning the same mysteries or occupations, except that they and every of them put such marks to every of the same wares and vessels, before they shall be put to sale or use, as the wardens of their occupations, crafts, or mysteries shall limit and appoint, without taking any thing therefore, (2) upon pain of forfeiture of the double value of the same wares and vessels; the one half of which

which forfeiture to be to the King our sovereign lord, the other half to the party that first will sue for the same by action of debt, bill, plaint, or information, in which the defendant shall not wage his law, nor any essoin shall be cast, or protection allowed.

VII. And further, it is enacted by the authority aforesaid, The forfeiture of wares deceitfully made by an alien. That if upon any such search or view to be made by the wardens and one stranger of any craft or mystery before said, after the form of this estatute, in vessels or wares to be found in the possession of the workers or owners thereof, putting the same vessels or wares to workmanship of any stranger falsely and deceitfully made, to the hurt of the King's liege people, and so adjudged by the said wardens and one stranger, that then such worker or owner, in whose possession the same false and deceitful wares shall be found, shall forfeit the same wares; (2) the one half thereof to the King our sovereign lord, and the other half thereof to the first finder thereof suing for the same in any of the King's courts by action of detinue, in which action the defendant nor defendants shall not be admitted to wage their law, nor protection ne essoin be to them herein allowable.

VIII. Be it also enacted by the authority aforesaid, That all wardens and masters of fellowships of all and every such handicrafts within any such city, borough, or town corporate within this realm, where any such wardens happen to be, and in such boroughs and towns corporate where no wardens of handicrafts are, the bailiffs, or the governor or governors of the same boroughs or towns so lacking wardens, shall have like power and authority with the bailiff or bailiffs of the liberties with them, where any such liberty shall be, being content so to do, to view, search, and reform strangers born out of the King's obedience, inhabiting and using within any such city, borough, or town corporate, any manner of handicraft, in as large and ample manner, as the said wardens and fellowships of the said city of *London* may do, by virtue of this present act; (2) and that all strangers using any of the said handicrafts in any of the said cities, boroughs, or towns corporate, be bounden to do and obey in every thing, according to the tenor of this present act, upon like pains and forfeitures as is above remembered, to be had and recovered in form above rehearsed.

IX. Provided alway, That if the wardens of any fellowship or mystery before said, bailiffs, governor or governors before said, wrongfully will intreat any stranger in executing of this act, or any thing therein contained, that then the stranger so grieved may, by authority of this act, by bill or information, complain to the lord chancellor and treasurer of *England*, or the justices of assise in the county for the time being, which, by their examinations, shall have full power and authority to hear and determine the same complaint, and to award to the party complainant such amends, as by their discretion shall be thought reasonable.

X. Provided also, That it shall be lawful for and to every the said strangers born out of the King's obedience, being a

householder, to have and retain as well all and every such strangers born out of the King's obeisance, being the time of this parliament with him retained as a journeyman, as to have and retain every such stranger being born out of the King's obeisance, being apprentice with him the time of this parliament, this act notwithstanding. (2) This to endure to the last day of the next parliament.

Strangers dwelling in Oxford, Cambridge, St. Martin's.

The wardens refusing to mark the wares.

XI. Provided also, That this act extend not to the inhabitants, strangers that now be, or hereafter shall be, in the universities of *Oxford* or *Cambridge*, or within the sanctuary of *St. Martin's le Grand*, within the said city of *London*.

XII. Provided always, That if the said wardens of the said city of *London*, with a stranger, or governor or governors of any city or borough corporate within this realm, refuse to mark the wares of any stranger, after that they be required so to mark; that then it shall be lawful to the same stranger or strangers, to whom such refusal shall be so made, to sell and put to sale his said wares so required to be marked, and refused, this act notwithstanding.

To what crafts this statute doth not extend.

XIII. Provided also, That this act extend not to any other handicrafts, than to the crafts of joiners, pouchmakers, coopers, and blacksmiths, for or concerning the foresaid articles of marking of wares of the said strangers.

Who may retain aliens.

21 H. 8. c. 16.

22 H. 8. c. 13.

32 H. 8. c. 16.

XIV. Also that it shall be lawful to any lord of the parliament, and every other of the King's subjects, having lands and tenements to the yearly value of one hundred pounds, to take and retain strangers, joiners, and glaziers, in their service, from time to time, to and for the exercising with them their crafts, this act notwithstanding.

CAP. III.

Toucbing worsted-weavers of Yarmouth and Lynn.

Confirmed
16 Hen. 8. c. 16.

2 Ed. 4. c. 1.

BECAUSE it is discreetly considered in this present parliament, that the true making and draping of worsteds, sayes, and stamins, is one of the most profitable occupations of this realm, and that the same worsteds, sayes, and stamins, truly and substantially made and wrought, been right acceptable, and commodious merchandises, as well in this realm of England, as in other foreign regions and countries; (2) for establishment and good order whereof, divers good and laudable statutes, acts, and ordinances heretofore have been made and enacted; and namely, in a parliament holden at Westminster the third day of June, in the seventh year of the reign of the late King of famous memory, Edward the Fourth; (3) sithen which parliament the making of the said worsteds, sayes, and stamins, hath much increased and been multiplied in the city of Norwich, and in divers towns and places in the county of Norfolk; (4) and because the towns of Great Yarmouth, and Lynn, in the said county, been towns incorporated, and the inhabitants of the same towns now daily practise and use the making and draping of the said cloths of worsteds, sayes, and stamins, more busily and diligently than they have done in times past, to whom it is painful and costly to transport and convey their said cloths to the said

said city of Norwich, or to places within the said county of Norfolk which been far distant from either of the said towns, to be searched and sealed by the wardens of the worsted-weavers of the same city of Norwich, or county, according to the said act of parliament made the said seventh year of King Edward the Fourth: (5) It is therefore ordained, established, and enacted by the King our sovereign lord, and by the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That the craftsmen called worsted-weavers inhabited in the said town of Great Yarmouth, shall have power and authority by this present act, from henceforth to elect, and and choose yearly for ever, in the Monday next after the Feast of Pentecost, one honest man of the same mystery and occupation, being an housholder within the said town of Great Yarmouth, and having of his proper goods and chattels to the value of ten pounds at the least, or lands and tenements to his own use of estate of freehold, at least to the clear yearly value of xx. s. to be warden of the same craft and mystery for the year next ensuing, (6) which man so elected and chosen, shall personally appear before the mayor of the said city of Norwich for the time being, the Monday next after the Feast of Corpus Christi then next ensuing, then and there to be sworn and charged by like oath, concerning the true and substantial making of the said cloths within the said town of Great Yarmouth, as the four wardens of the said city of Norwich, by virtue of the said act of parliament made in the said seventh year of King Edward the Fourth, been charged and sworn for the same city of Norwich; (7) and if the said mayor happen to be absent the said Monday after Corpus Christi, or else then refuseth to receive or take the said oath; then the said warden so elect, within four days next after the same Monday, shall come before the bailiffs of the said town of Great Yarmouth for the time being, or before one of them, the other being absent, and then and there receive a corporal oath for the true exercising of the same office of wardenship, after the tenor of the oath accustomedly used to be given to the said wardens of the said city of Norwich.

Election of a warden of worsted-weavers in Great Yarmouth in Norfolk.

The warden of Yarmouth's oath.

II. And that the said warden of the said town of Great Yarmouth for the time being, so elected and sworn, may ordain and appoint a seal with this letter Y. to be engraved in the same seal, and may have full power and authority to view, search, seise, and seal in lead with the same sale so to be appointed and engraven, and none other, all worsteds, sayes, and flamins within the said town of Yarmouth, and suburbs of the same, made, or to be made, and not elsewhere, in as large and ample manner as the said wardens of the said city of Norwich, and wardens of the said county of Norfolk, or any of them, hath or have within the said city or county, or in any wise may do in that behalf, by authority or virtue of the before remembered act, made in the said seventh year of King Edward the Fourth, any thing in the same act contained to the contrary notwithstanding.

The warden of Yarmouth's authority.

III. And that no person inhabiting within the said town of Every person

shall mark his worsteds, sayes, &c. with his several mark.

Great Yarmouth, or suburbs thereof, weave any worsteds, sayes, or stamins within the same town, except he be an *Englishman* born, and have been apprentice to the said occupation, and without he weave therein such proper mark as shall be limited and appointed by the said warden of the said town for the time being, elect, and sworn as is aforesaid, upon pain of forfeiture thereof to the King our sovereign lord; (2) and that every warden of the said town shall limit distinct and several marks to every of the said worsted-weavers of the same town of *Great Yarmouth*, and the same marks by the said warden to be registered in a book.

Election of a warden of worsted-weavers in *Lynn* in *Norfolk*.

IV. And also be it enacted by the authority aforesaid, That if, and whensoever hereafter the said town of *Lynn* shall be inhabited with ten sundry householders, or more number of householders exercising and using the said craft or mystery of worsted-weavers, then, and from thenceforth, that is to say, as long as the same town of *Lynn* shall be inhabited with the number of ten such householders at the least, it shall be lawful to the same inhabitants of the said town of *Lynn* yearly, on the *Monday* next after the Feast of *Pentecost*, to elect and choose of themselves one warden of the said craft and mystery of worsted-weavers, to be of the value in lands and goods as is aforesaid of the warden of *Yarmouth*; (2) which warden, so elect, shall yearly be sworn and charged at the said city of *Norwich*, in like manner, and at like day, as is before limited to the wardens of *Yarmouth*; or in default of the said mayor of *Norwich*, then the said warden so to be elect for the said town of *Lynn*, to take a corporal oath before the mayor of the said town of *Lynn*, within such time, and after such form, as is before limited unto the warden of *Yarmouth*; (3) and that the said warden of the said town of *Lynn* for the time being, so elect and sworn, by himself may ordain and appoint a seal with this letter L. to be graven in the same seal, and may have full power and authority to view, search, seise, and seal in lead with the same seal so to be engraven, and with none other, all worsteds, sayes, and stamins within the said town of *Lynn*, and suburbs of the same, made or to be made, and not elsewhere, in as large and ample manner as the said warden of the said city of *Norwich*, and wardens of the said county of *Norfolk*, or any of them hath or have within the said city or county, or otherwise may do by authority or virtue of the before remembered act made in the said seventh year of King *Edward* the Fourth; any thing contained in the same act to the contrary notwithstanding.

The warden of *Lynn*'s seal and authority.

Every worsted-maker to be an *Englishman* born, and to have his own mark.

V. And that no person inhabited within the said town of *Lynn*, or suburbs thereof, make any worsteds, sayes, or stamins within the same town, except he be an *Englishman* born, and have been apprentice to the same occupation, and without he weave therein such proper mark as shall be limited and appointed by the said warden of the same town of *Lynn* for the time being, upon pain and forfeiture thereof to the King our sovereign lord; (2) and that every warden of the said town shall

limit

limit distinct and several marks to every of the said worsted-weavers of the same town, and the same marks by the said warden to be registered in a book.

VI. And be it further enacted by the authority aforesaid, That from the Feast of St. *Michael* the Archangel next coming, unto such time as the said town of *Lynn* shall be inhabited with the said number of ten householders of the said craft of worsted-weavers, and always after, when that number of ten householders shall happen to fail, and not be inhabited in the said town of

A warden of Norwich or Norfolk shall come to Lynn when there is no warden there.

Lynn, the said wardens of the said city of *Norwich*, and their successors, shall procure and cause one of themselves, or one of the wardens of the said craft of the said county of *Norfolk*, personally to come and be every twenty eighth day from and after the said Feast of St. *Michael* the Archangel, in and to the said town of *Lynn*, or within six days next after every such twenty eighth day, and there to continue and abide by so long time as he may search and seal all such worsteds, sayes, and stamins made in the same town of *Lynn*, as then shall be brought to him.

to be sealed within the space of one whole day; (2) and the said inhabitants of worsted-weavers, of the same town of *Lynn* being, shall content and pay to the said warden of *Norwich* or *Norfolk*, which shall so come to *Lynn*, in the said twenty eighth day, or within six days next after the said twenty eighth day, for his costs and expences, for every time that he shall so come to *Lynn*, between the Feast of St. *Michael* the Archangel, and the *Annunciation* of our Lady St. *Mary*, iii. s. and for every time that he shall so come to the said town of *Lynn*, between the Feast of the *Annunciation* of our Lady, and the Feast of St. *Michael* the Archangel, ii. s. (3) and if the said inhabitants of worsted-weavers of the said town of *Lynn* do not content and pay to the said warden coming to *Lynn* in form aforesaid, for his said costs and charges the said iii. s. or ii. s. as is above limited, then the same inhabitants shall forfeit and pay to the said warden, or to his executors, for every such default of payment, xl. s. (4) and if none of the said wardens of *Norwich*, and *Norfolk*, come to the said town of *Lynn*, for the cause aforesaid, in manner and form above remembered, then the said wardens of the said city of *Norwich* shall forfeit and pay to the said inhabitants of *Lynn*, of the said mystery of worsted-weavers, for every such default xl. s.

The warden's allowance by the day for his charges in coming to *Lynn*.

(5) for recompence of which penalties and forfeits, the said wardens of *Norwich* or *Norfolk*, being thereunto intituled by this present act, by his proper name, with this addition, that is to say, *Unus Gardianorum, or nuper unus Gardianorum artis sive mysterii textorum panni lanei vocati worstedes in civitate Norwici vel comitat. Norfolk*, as the troth requireth, shall and may have action of debt by writ, bill, or plaint, in any competent or lawful court of this realm, against the said inhabitants of *Lynn*, of the said mystery, for the time being, by their sundry proper names; (6) and the said inhabitants, by their said names, with this addition, *Textores panni lanei voc. worstedes, inhabitantes villæ de Lynn*, shall and may have like actions of debt against the said

By what names the parties grieved shall bring their actions.

The particular bodies or goods of the wardens or inhabitants put in execution.

Cloths to be marked by the wardens of Lynn and Yarmouth.

What apprentices worsted-weavers in Lynn and Great Yarmouth may take.

26 H. 8. c. 16.
5 El. c. 4.

This statute shall not be prejudicial to the mayor of Norwich, or the wardens there.

wardens of *Norwich*, by the name of *Gardiani artis sive mysterii textorum pannorum laneorum voc. worsteds infra civitatem Norwic. vel com. Norfol.* to be used in good congruities of *Latin*, and form of the laws of this realm; (7) in which actions, or any of them, none effoin, protection, or wager of the law shall be suffered or allowed. (8) And that the particular bodies, or goods of any of the said wardens or inhabitants being condemned in any of the said actions, shall and may be put in execution, after such manner and form as is used in actions of debt by course of the common law of this realm.

VII. And moreover, be it enacted by the authority aforesaid, That all cloths of worsteds, sayes, and stamins, made or to be made within any of the said towns of *Lynn*, and *Great Yarmouth*, or suburbs of the same, or any of them, and marked with such marks as shall be limited to the makers by the said wardens of the said town, in manner and form aforesaid, and weaved, and sealed by any of the wardens of the said town of *Lynn*, and *Yarmouth*, in form above remembered, by force and virtue of this present act, may be lawfully put to sale by the owners and makers of the same, without any other marking or sealing upon the said cloths, or upon any of them to be had or made by any other wardens, dwelling or abiding without the said towns, and without any arrest, seizure, or forfeiture to be had or made of or upon any of the said cloths, for lack of any other seals or marks; any thing contained in the said former act made in the said seventh year of King *Edward* the Fourth to the contrary notwithstanding.

VIII. And over this, be it enacted by the authority aforesaid, That every craftsman of the said mystery and occupation of worsted-making, dwelling within any of the said towns of *Lynn* and *Great Yarmouth*, and suburbs of the same, at their own free-wills and liberties from henceforth for ever, may have and take apprentice or apprentices (being male) of the age of fourteen years and upward, and being the King's natural subjects, for the term of seven years, and not under, so that none of them exceed the number of two at once, to learn, use, and exercise the said craft within either of the said towns of *Lynn* and *Great Yarmouth*, or suburbs of the same albeit the father of the same apprentices or apprentice may not expend in lands and tenements to the yearly value of xx. s. any act or ordinance to the contrary made or to be made notwithstanding.

IX. Provided alway, That this present act, nor any thing therein contained, be not in any wise hurtful or prejudicial to the mayor of *Norwich*, or to his successors, or to the wardens of the said city and county, or to their successors, in any point, article, power, or authority, other than for weaving, searching, and sealing of worsteds, sayes, and stamins, made or to be made only within the said towns of *Lynn* and *Yarmouth*, or suburbs of the same, or to any of them; and for limiting of marks to the makers of worsted, sayes, and stamins, only inhabited in either of the said towns or suburbs thereof, and taking of apprentices in form above

above remembered; (2) but that the said mayor of the said city of *Norwich*, and wardens of the said city and county, and every of them, may have and use all other points, articles, powers, and authorities contained and specified in the above remembered act, made in the said seventh year of King *Edward* the Fourth, as well for the search, sealing, correction, and reformation of the said wardens newly to be elect by virtue of this present act, and every of them, according and after such form as they may do or use, any of the said wardens of the said city or county by force of the said act made in the said seventh year of King *Edward* the Fourth, as all and every other inquiries, corrections, searches, seifings, and reformations to be had, for the true making of worsteds, sayes, and stamins, in and upon any person or persons, as well within the said towns of *Lynn* and *Yarmouth*, as without, without trouble, let, or vexation of any of the inhabitants of the said towns, in as large and ample wise as they might have done before the making of this present act; any thing contained in the same present act to the contrary notwithstanding.

X. And also provided, and be it enacted by the authority aforesaid, That the said craftsmen of worsted-weavers inhabited, or hereafter to be inhabited, within either of the said towns of *Lynn* and *Yarmouth*, or suburbs of the same, and the merchants, or any other person or persons which shall happen to buy of the same craftsmen, or of any of them, or of any other person, any of the said cloths of worsteds, stamins, or sayes, made or to be made within either of the said towns of *Lynn* and *Yarmouth*, and sealed by the said wardens of the same towns to be elect and sworn as is aforesaid, and any of them, shall not shear, dye, or put in colour, or calander any worsteds, stamins, or sayes, made or to be made within either of the said towns of *Lynn* and *Yarmouth*, or suburbs of the same, in any other place or places, but only within the said city of *Norwich*, or suburbs of the same, upon pain of forfeiture of every piece of worsteds, sayes, or stamins, to be made within any of the said towns of *Lynn*, and *Yarmouth*, or suburbs of the same, or the value thereof, shorn, dyed, coloured, or calandred by any of the said craftsmen, buyers, or merchants, in any other place or places than in the said city of *Norwich*, or suburbs of the same; the one half thereof to be to the King our sovereign lord, and the other half thereof to such person or persons as shall seife the same, (2) so that the said worsteds brought to the said city of *Norwich* to be shorn, dyed, coloured, and calandred, without covin or craft of any of the said inhabitants and merchants, may be shorn, dyed, coloured, and calandred at and by as convenient price or prices, and in as ready wise, as the said inhabitants of either of the said towns of *Lynn* and *Yarmouth*, and merchants buyers of the said worsteds, or other of the said city and county hath had in times past, or hereafter shall have.

XI. And also that the same inhabitants and merchants, and every of them, so bringing their said worsteds to the same city shall be carried for beyond the

7 Ed. 4. c. 1.

None in *Lynn* or *Yarmouth* shall shear, calander, or dye, but in *Norwich*.

No worsteds shall be carried for beyond the

sea before
they be shorn,
&c.

for to be shorn, dyed, coloured, and calandred, be reasonably and lawfully intreated, according to the said act made in the said seventh year of King *Edward* the Fourth, and the ordinances made and affirmed, or hereafter to be made and affirmed, for the said mystery, without let or disturbance, contrary to the same act or ordinances in that behalf.

By 6 Annæ.
c.9. any
white woollen
cloth may be
exported.
21 H. 8. c.21.
Made perpet-
ual by 26 H. 8.
c.16.

XII. And be it enacted by the authority aforesaid, That no person or persons any time after convey or transport into any of the parts beyond the sea, any manner of cloths of worsteds, before the same cloths be shorn, dyed, coloured, and calandred, upon pain of forfeiting the value thereof; the one half to the King our sovereign lord, and the other half thereof to the party that will sue therefore by action or plaint of debt in any of the King's courts; (2) in which action or suit no protection or es-join shall be allowed, nor the offender admitted to wage his law. (3) This act to endure to the next parliament.

CAP. IV.

What customs and impositions Englishmen sworn to foreign princes shall pay.

PRAYEN the commons in this present parliament, That where many and divers persons, being the King's subjects naturally born within this his realm, have withdrawn themselves out of the same realm, and transported themselves, with their wives, children, and goods, into Holland, Zealand, Brabant, Flanders, and into other countries of foreign princes, and there be sworn to the obeisance of the princes and lords of the countries where they be now inhabited, making, there great buildings, and be contributaries to all manner of charges, as the subjects of those countries be; and thus they maintain, as much as in them is, the cities, boroughs, and towns of those countries, and many more of the King's subjects intend to do the same, if remedy therein be not provided: (2) which subjects born in England, notwithstanding that they thus estrange themselves from the King's obeisance, yet they occupy here in all the ports, havens, and creeks, cities, boroughs, and towns of England, as freely, and as free in custom and subsidy, as the King's subjects do occupy, and not only for themselves, but also colourably for other strangers, their friends and partners, and also make themselves quit and exempt from all charges within this realm, in prejudice and decay of the cities, towns, and boroughs of England; (3) and as for beyond the sea, they will obey to none authority granted to the English nation by the King's Highness and his noble progenitors under the great seal of England, and by authority of parliament, but they give themselves over to the protection and defence of those outward princes, to whom they be sworn subjects; and by these manner of persons much coin is conveyed out of the land:

An English-
man sworn
subject to a
foreign prince,
shall pay such
impositions as
aliens do.

II. Wherefore be it ordained and enacted by the King our sovereign lord, and the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That all and every such subjects born in England, and sworn to be subjects to foreign princes and lords of outward parts, from henceforth (as long as they shall so abide, and

and be as subjects to foreign princes and lords) that from henceforth so long they and every of them shall pay such customs, subsidies, tolls, and other impositions within this realm of *England*, as other strangers of those parts where the said *Englishmen* make their inhabitations, pay or use to pay within this said realm: (2) and that the knowledge of all and every such person or persons inhabitants, and sworn in manner and form as is before rehearsed within the archduke's countries, that is to say, *Holland, Zealand, Brabant, and Flanders* only, shall be had by certificate thereof made by the governor of the merchant adventurers and the assistants there for the time being; (3) and also for all other realms and countries of foreign princes, to be certified by the King's most noble ambassadors, being at such time there, as they shall happen to be in the said countries upon the King's affairs, shall likewise certify, as is aforesaid, under their seal, into the chancery of our sovereign lord the King; (4) and thereupon out of the said chancery writs to be made, and directed unto the customers, comptrollers, or other officers of the King's custom in every port, haven, or creek within this said realm, to perceive, levy, and take all manner of such customs, subsidies, tolls, and other impositions, as is before specified, of all such goods and merchandises as shall belong unto any such person or persons inhabited and sworn in manner and form above written, as well inward as outward.

III. Provided always, That if hereafter it shall happen any such person or persons to return into the realm, and here to tarry and inhabit, that then he or they shall be restored to all such liberties and freedoms in paying of customs or subsidies, and other charges, as all other *Englishmen* do use to pay, and to have a writ out of the chancery for the same, this act, or any thing therein made, to the contrary notwithstanding.

An Englishman returning, and dwelling again in the realm shall pay such impositions as other Englishmen use to pay.

CAP. V.

The privileges and authority of physicians in London.

IN the most humble wise shew unto your Highness, your true and faithful subjects and liege men, John Chambre, Thomas Linacre, Ferdinandus de victoria, your physicians, and Nicholas Halsewel, John Frances, and Robert Yaxley, and all other men of the same faculty within the city of London, and seven miles about, that where your Highness (by your most gracious letters patents, bearing date at Westminster the xxiii. day of September, in the tenth year of your most noble reign) for the common wealth of this your realm, in due exercising and practising of the faculty of physick, and the good ministration of medicines to be had, hath incorporate and made of us, and of our company aforesaid, one body and perpetual commonalty or fellowship of the faculty of physick, and to have perpetual succession and common seal, and to choose yearly a president of the same fellowship and commonalty, to oversee, rule, and govern the said fellowship and commonalty, and all men of the said faculty, with divers other liberties and privileges, by your Highness to us granted for the common wealth of this your realm, as in your said most gracious letters patents

The physicians of London made a body corporate. 2 Bulstr 185. 2 Salk. 451. This act is confirmed by 1 Mar. sess. 2. c. 9.

more

more at large is specified and contained, the tenor whereof followeth in these words:

The charter of incorporation.

(2) **H**ENRICUS Dei gratia Rex Angliæ & Franciæ, & Dominus Hiberniæ, omnibus ad quos præsentēs literæ pervenerint, salutem. Cum regii officiū nostrī munus arbitremur conditionis nostræ hominū fœlicitati omni ratione consulere; (3) id autem vel imprimis fore, si improborum conatibus tempestive occurramus, apprime necessarium duximus improborum quoque hominū, qui medicinam magis avaritiæ suæ causa, quam ullius bonæ conscientiæ fiducia, profitebuntur, unde rudi & credulæ plebi plurima incommoda oriantur, audaciam compescere: (4) itaque partim bene institutarum civitatum in Italia, & aliis multis nationibus, exemplum imitati, partim gravium virorum doctorum Joannis Chambræ, Thomæ Linacre, Ferdinandi de victoria, medicorum nostrorum, Nicholai Halsewel, Joannis Francisci, & Rob. Yaxley, medicorum, ac præcipue reverendissimi in Christo patris, ac domini, dom. Thomæ tituli Sanctæ Cecilæ trans Tiberim sacrosanctæ Romanæ ecclesiæ presbyteri cardinalis, Eboracensis archiepiscopi, & regni nostri Angliæ cancellarii charissimi, precibus inclinati, collegium perpetuum doctorum & gravium virorum, qui medicinam in urbe nostra Londino & suburbiis, intraque septem millia passuum ab ea urbe quaquā versus publice exerçant, institui volumus atque imperamus. (5) Quibus tum sui honoris, tum publicæ utilitatis nomine, curæ (ut speramus) erit, malitiosorum quorum meminimus inscientiam temeritatemque, tam exemplo gravitateque suis deterere, quam per leges nostras nuper editas, ac per constitutiones per idem collegium condendas, punire. (6) Quæ quo facilius rite peragi possint, memoratis doctoribus Joan. Chambræ, Thomæ Linacre, Ferdinando de victoria, medicis nostris, Nicholao Halsewel, Joanni Francisco, & Rob. Yaxley, medicis, concessimus, quod ipsi, omnesque homines ejusdem facultatis de & in civitate prædicta, sint in re & nomine unum corpus & communitas perpetua sive collegium perpetuum; (7) & quod eadem communitas sive collegium singulis annis in perpetuum eligere possint & facere, de communitate illa aliquem providum virum, & in facultate medicinæ expertum, in præsidem ejusdem collegii sive communitatis, ad supervidend' recognoscend' & gubernand' pro illo anno collegium sive communitatem præd' & omnes homines ejusdem facultatis, & negotia eorundem. (8) Et quod idem præsidens & collegium, sive communitas, habeant successionem perpetuam, & commune sigillum negotiis dict' communitatis & presidentis in perpetuum servitutum. (9) Et quod ipsi & successores sui in perpetuum sint personæ habiles & capaces ad perquirendum, & possidendum in feodo & perpetuitate terras & teneamenta redditus, & alias possessiones quascunque.

A perpetual college of physicians erected and granted in London and the suburbs,

A president of the college, and his office and duty.

The college shall have perpetual succession and a common seal. And shall be of ability to purchase land.

(10) Concessimus etiam eis & successoribus suis pro nobis & hæredibus nostris, quod ipsi & successores sui possint perquirere sibi & successoribus suis, tam in dicta urbe quam extra,

terras

‘ terras & tenementa quæcunque annum valore duodecim
 ‘ librarum non excedent’ statuto de alienatione ad manum mor-
 ‘ tuam non obstante. (11) Et quod ipsi per nomina præfiden-
 ‘ tis & collegii seu communitatis facultatis medicinæ Lond’ pla-
 ‘ citari & implacitari possint coram quibuscunque iudicibus in
 ‘ curiis & actionibus quibuscunque. (12) Et quod præd’ præsi-
 ‘ dens & collegium sive communitas, & eorum successores,
 ‘ congregationes licitas & honestas de seipsis, ac stat’ & ordina-
 ‘ tiones pro salubri gubernatione, supervisu, & correctione col-
 ‘ legii seu communitatis præd’, & omnium hominum eandem
 ‘ facultatem in dicta civitate, seu per septem milliaria in circuitu
 ‘ ejusdem civitatis exercent’ secundum necessitatis exigentiam,
 ‘ quoties & quando opus fuerit, facere valeant licite & impune,
 ‘ sine impedimento nostri, hæredum, vel successorum nostrorum,
 ‘ justitiariorum, escaetorum, vicecomitum, & alior’ ballivor’
 ‘ vel ministror’ nostror’ hæred’ vel successor’ nostror’ quorum-
 ‘ cunque. (13) Concessimus etiam eisdem præfidenti & colle-
 ‘ gio, seu communitati, & successoribus suis, quod nemo in dic-
 ‘ ta civitate, aut per septem milliaria in circuitu ejusdem, exer-
 ‘ ceat dictam facultatem, nisi ad hoc per dict’ præfidentem &
 ‘ communitatem, seu successores eorum, qui pro tempore fue-
 ‘ rint, admissus sit per ejusdem præfidentis & collegii literas si-
 ‘ gillo suo communi sigillatas, sub pœna centum solidorum pro
 ‘ quolibet mense, quo non admissus eandem facultatem exer-
 ‘ cuit, dimidium inde nobis & hæred’ nostris, & dimidium
 ‘ dicto præfidenti & coll’ applicandum.

They may sue,
and be sued.

They may
make lawful
assemblies and
ordinances for
government.

No man shall
practise phy-
sick in Lon-
don, or with-
in seven miles
thereof, unless
he be allowed.

‘ (14) Præterea volumus & concedimus pro nobis & succes-
 ‘ soribus nostris (quantum in nobis est) quod per præfidentem
 ‘ & collegium præd’ communitatis pro tempore existen’ &
 ‘ eorum successores in perpetuum, quatuor singulis annis eli-
 ‘ gantur, qui habeant supervisum & scrutinium, correctionem &
 ‘ gubernat’ omnium & singulor’ dictæ civitatis medicorum
 ‘ utentium facultate medicinæ in eadem civitate, ac aliorum
 ‘ medicorum forinsecorum quorumcunque facultatem illam me-
 ‘ dicinæ aliquo modo frequentantium & utentium infra ean-
 ‘ dem civitatem & suburbia ejusdem, sive intra septem milliaria
 ‘ in circuitu ejusd’ civitatis, ac punitionem eorund’ pro delictis
 ‘ suis in non bene exequendo, faciendo, & utendo illa; (15)
 ‘ nec non supervisum & scrutinium omnimodarum medici-
 ‘ narum & earum reception’ per dictos medicos, seu aliquem
 ‘ eorum, hujusmodi ligeis nostris pro eorum infirmitatibus
 ‘ curandis & sanandis, dandis, imponendis, & utendis, quoties
 ‘ & quando opus fuerit pro commodo & utilitate eorundem li-
 ‘ georum nostrorum; (16) ita quod punitio hujusmodi medi-
 ‘ corum utentium dicta facultate medicinæ, sic in præmissis de-
 ‘ linquent’ per fines, amerciamenta, & imprisonment corpor’
 ‘ suor’ & per alias vias rationab’ & congruas exequatur.

Four physici-
ans of London
shall be yearly
chosen to have
the oversight
of the others.

‘ (17) Volumus etiam & concedimus pro nobis, hæredibus,
 ‘ & successoribus nostris (quantum in nobis est) quod nec præ-
 ‘ sident nec aliquis de collegio præd’ medicorum, nec succes-
 ‘ sores sui, nec eorum aliquis exercens facultatem illam, quo-

32 H. 8. c. 40.
Physicians shall
not be sum-
moned on ju-
ries in London.

quo

quo modo in futur' infra civitatem nostram præd' & suburbia ejusdem, seu alibi, sommoneantur aut ponantur, neque eorum aliquis summoneatur aut ponatur in aliquibus assis, juratis, inquestis, inquisitionibus, attinctis, & aliis recognitionibus infra dictam civitatem, & suburbia ejusdem, imposterum coram majore ac vicecom' seu coronatoribus dictæ civitatis nostræ pro tempore existen' capiendis, aut per aliquem officarium seu ministrum suum, vel officarios sive ministros suos summonend' licet eadem juratæ inquisitiones, seu recognitiones summon' fuerint super brevi vel brevibus nostris, vel hæredum nostrorum, de recto; sed quod dicti magistri, sive gubernatores, ac communitas facultatis antedictæ, & successores sui, & eorum quilibet dictam facultatem exercentes versus nos, hæredes, & successores nostros, ac versus majorem & vicecomites civitatis nostræ præd' pro tempore existen' & quoscunque officarios & ministros suos sint inde quieti, & penitus exonerati in perpetuum per præsentēs.

(18) Proviso quod literæ nostræ, seu aliquid in eis content' non cedent in præjudicium civitatis nostræ Lond' seu libert' ejusd' & hoc absque sine seu feodo pro præmissis, seu sigillat' præsentium nobis facienda, solvenda, vel aliquallyter reddenda, aliquo statuto, ordinatione, vel actu in contrarium ante hæc tempora facto, edito, ordinato, seu proviso in aliquo non obstante. In cujus rei testimonium has literas nostras fieri fecimus patentes. Teste meipso apud Westmonasterium xxiiij. die Sept' an' reg' nostri x.

Per ipsum Regem.

Et de data præd' auctoritate parl' TUNSTALL.

(19) *And forasmuch that the making of the said corporation is meritorious, and very good for the common wealth of this your realm, it is therefore expedient and necessary to provide, That no person of the said politick body and commonalty aforesaid, be suffered to exercise and practise physick, but only those persons that be profound, sad, and discreet, groundly learned, and deeply studied in physick.*

The foregoing letters patents confirmed, and further enlarged.

II. *In consideration whereof, and for the further authorizing of the same letters patents, and also enlarging of further articles for the said common wealth to be had and made: Pleaseth it your Highness, with the assent of your lords spiritual and temporal, and the commons, in this present parliament assembled, to enact, ordain, and establish, That the said corporation of the said commonalty and fellowship of the faculty of physick aforesaid, and all and every grant, article, and other thing contained and specified in the said letters patents, be approved, granted, ratified, and confirmed in this present parliament, and clearly authorized and admitted by the same, good, law ful, and available to your said body corporate, and their successors for ever, in as ample and large manner as may be taken, thought, and construed by the same; (2) and that it please your Highness, with the assent of your said lords spiritual and temporal, and the commons, in this your present parliament assembled, further to enact,*

enact, ordain, and establish, That the six persons before said in your said most gracious letters patents named as principals, and first named, of the said commonalty and fellowship, choosing to them two more of the said commonalty, from henceforward be called and cleaped *elects*; (3) and that the same elects yearly choose one of them to be president of the said commonalty, and as oft as any of the rooms and places of the same elects shall fortune to be void, by death or otherwise, then the survivors of the said elects (within thirty or forty days next after the death of them, or any of them) shall choose, name, and admit one or mo, as need shall require, of the most cunning and expert men, of and in the said faculty in *London*, to supply the said room and number of eight persons; (4) so that he or they that shall be so chosen, be first by the said survivors strictly examined after a form devised by the said elects, and also by the same survivors approved.

There shall be eight elects of the physicians of *London*.

III. And where that in dioceses of *England*, out of *London*, it is not light to find alway men able sufficiently to examine (after the statute) such as shall be admitted to exercise physick in them, that it may be enacted in this present parliament, That no person from henceforth be suffered to exercise or practise in physick through *England*, until such time as he be examined at *London*, by the said president, and three of the said elects; and to have from the said president or elects, letters testimonials of their approving and examination, except he be a graduate of *Oxford* or *Cambridge*, which hath accomplished all things for his form, without any grace.

Physicians in other places to be examined by the president and three of the elects.
3 H. 8. c. 11.
Graduates of the universities excepted.
8 Co. 114.
Cro. Jac. 121,
159.
Cro. Car. 256.

C A P. VI.

Altering of highways in the weld of Kent.

IN humble wise beseecheth your Highness, your true and faithful subject, George Guldeford esquire for your body, That where there is, and of time whereof mind of man is not to the contrary, hath been an old common way, or street for carriages, and all other passages and business for you and your progenitors, and your and their people, in the hundred of Cranebrook, in the weld of your county of *Kent*, leading and extending between and among the lands of the manor of Hempsted, of the said George, in the said hundred of Cranebrook, from the bridge called Hempsted bridge, dividing the said hundred of Cranebrook, and the hundred of Rolvinden, in the said weld of your said county, to a cross called Totenden cross, standing nigh to a great oak, named Hempsted oak, which is in length upon an hundred fourscore and ten perches; which common way so used is in divers places thereof right deep, and noynus for the passage of your people, and also is not so directly leading between the said bridge and cross, neither so commodious for your people, as another way of like breadth in other places within and over the lands of the said manor might be made.

II. In consideration whereof, it may please your Highness, of your blessed disposition, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, to enact and ordain, That

Guldeford may lay out a new way in the manor of Hempsted, and

then keep in
several the
old.

That it shall be lawful to your said beseecher, his heirs and assigns, owners of the said manor of *Hempsted*, at his and their proper costs and charges, at any time before the twenty sixth day of *May* which shall be in the year of our Lord God M,D,XXVII. by the oversight and assent of two justices of peace of the said county of *Kent*, and twelve other discreet men, inhabitants within the said hundreds of *Cranebrook* and *Rolvinden*, to assign, limit, and lay out, over and through the lands of the said manor, one other way for carriages and passages of your grace, and of your people, and of your and their heirs and successors, of as great largeness in breadth, or larger than the said old way now being is, and as commodious for the said carriages and passages, as the same way now being is, or better, extending and leading directly between the said bridge and cross, so that your grace, and your people, by the said new way so to be assigned and laid out, shall have the more easy carriage and passage than is, or of late time hath been, by the said old way; (2) and that after the said new way so laid out and assigned, the said carriages, passages, and other business there, may be as liberally, commonly, and freely from thenceforth there used and had for ever, and every other thing there exercised and kept, as before this time hath been had, used, exercised, and kept in the said old way, without let or interruption of the said *George*, his heirs, or assigns, or any other person, which hereafter shall have, hold, or possess the said manor; (3) and that immediately after that the said new way (as is aforesaid to be assigned and limited, shall be (as is aforesaid) laid out, and fully made, it shall be lawful to your said beseecher, his heirs, and assigns, owners of the said manor, to inclose the said old way, and every part thereof, and that from henceforth to hold in fealty to them, and to their heirs and assigns, to their own use and profit for ever, as parcel of the said manor, without any common way or passage there from thenceforth to be had or claimed, any prescription or use to the contrary heretofore had notwithstanding.

Any person
may lay out a
more commo-
dious way in
the weld of
Kent, by the
assent of two
justices of the
peace, and xij.
discreet men of
that hundred,
and keep several
the old.

III. *And in consideration that many other common ways in the said weld of Kent, be so deep and noyous, by wearing, and course of water, and other occasions, that people cannot have their carriages or passages by horses upon or by the same, but to their great pains, peril, and jeopardy:* it may be by the said authority enacted and established, That if any other person or persons, any time hereafter, in any place within the said weld of your said county, of his good mind and disposition, without any value of good by him or them to be received for the same, will for the common weal of your people, assign and lay out a more commodious way, in and over the lands thereunto adjoining, whereof the person or other to his use shall be seised of fee in estate of inheritance, that the same new way so to be assigned and laid out, by oversight and assent of two justices of peace of the said county, and twelve other discreet men, inhabiting within the hundred where any such new way shall be limited and laid out, or inhabiting within the same hundred and other hundreds to that hundred next adjoining,

joining, shall be from thenceforth holden, occupied, and used in like manner as the old way there now is, or before hath been.

IV. And that also the same person or persons so disposed, willing and accomplishing the same, shall and may, for the said new way so assigned and used, retain, and hold in way of recompence for the same new way so to be given, the soil and ground of the old way in severalty, as is abovesaid, to him or them, and to their heirs for ever, in like manner as is abovesaid of the said new way to be assigned at *Hempsted*; (2) and that the said two justices of peace, and twelve other discreet persons, by whose oversight and assent the said new way at *Hempsted*, or any other way, by virtue of this act shall be hereafter assigned, limited, and laid out, shall within three months next after the assignment, limitation, and laying out of the same, make certificate into the King's most honourable court of chancery under their seals, of the length and breadth of the same new way or street, and of other things adjoining or concerning the same, as by their discretions shall be thought most expedient or requisite for the common wealth of that county to be certified; (3) and that certificate to be made from time to time, as oft as any such new way or street shall be assigned, limited, and laid out in form above written.

The justices and xij. men shall make certificate of the new way into the chancery.

V. Provided alway, That if any person or persons, or body politick, have, or ought to have, or hereafter shall have any church-way, or other whatsoever way or passage, over or through any manner lands adjoining to any of the said old ways or streets, which shall be taken and used by force of this act, as several soil, and freehold, in recompence for any new way to be made and laid out in form aforesaid, or have, or ought to have, or hereafter shall have any lands or tenements adjoining to the said old way; that they, and every of them, their heirs, and successors, shall and may have and use their said way, or ways, out of, and into the said new way, over and through the land of the said old way or street, into or over the said land or tenement adjoining to the same, and so to pass and repass, as shall appertain, over the same old way, at such convenient place or places thereof, as therefore shall be limited and assigned by the said two justices of peace, and other twelve men, and by them to be certified into the chancery, among other things by them to be certified in form aforesaid, any thing in this act above written notwithstanding.

They which have any way through the old way, may use it.

26 H. 8. c. 7.

CAP. VII.

Any person that hath lands to the yearly value of C. l. may shoot in cross-bows and hand-guns notwithstanding the statute of 6 H. 8. c. 13. All former placards granted by the King for shooting in either of them shall be void.

25 H. 8. c. 17.
Rep. 33 H. 8. c. 6.

CAP. VIII.

The marriage of the six clerks allowed, &c.

By old custom no clerk of the chancery might marry, but only the clerk of the crown.

IN most humble wise beseechen your highness, your true and faithful subjects, and daily servants, the six clerks of your high court of chancery, That whereas of old time accustomed hath been used in the said court, that all manner of clerks and ministers of the same court, writing to the great seal, should be unmarried (except only the clerk of the crown) so that as well the cursitors, and other clerks, as the six clerks of the said chancery, were by the same custom restrained from marriage, whereby all those that contrary to the same did marry, were no longer suffered to write in the said chancery, not only to their great hinderance, losing thereby the benefit of their long study, and tedious labours and pains in youth taken in the said court, but also to the great decay of the true course of the said court.

II. And forasmuch as now the said custom taketh no place nor usage, but only in the office of the said six clerks, but that it is permitted and suffered for maintenance of the said course, that as well the said cursitors, as the other clerks aforesaid, may and do take wives, and marry at their liberty, after the laws of holy church, and of long time have so done, without interruption or let of any person: (2) It may therefore please your highness of your most abundant grace, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, in consideration of the premisses, and also for that the said custom is not grounded upon any law, to ordain, enact, and establish, That *John Trevethen, Richard Welles, Oliver Leader, John Crake, William Jesson, and John Lemsey*, now being in the office of the six clerks of the chancery, and every of them, and all other which in time to come shall be in the same office, and every of them, may and do take wives and marry at their liberty, after the laws of holy church; (3) and that they, and every of them so married, may have, hold, and enjoy their said office of six clerks, in as ample, large, and like manner, as they did or should do before the said espousals, or as if they had never been married, the said custom, or any other custom or ordinance heretofore had or made to the contrary notwithstanding.

III. Provided alway, That by any thing in this act contained, the master of the rolls for the time being be not prejudiced either in the giving and disposition of the said offices from time to time, as hath been heretofore accustomed, the forfeiture of that office by reason of marriage only except. And that the said officers which now be, and hereafter shall be, do give such attendance unto the said master of the rolls for the time being, as heretofore in the said offices hath been accustomed.

CAP. IX.

Rep. 5 El. c. 8. A repeal of the statute of 4 Ed. 4. c. 7. inhibiting cordwainers & 1 Jac. 1. c. 22. in London to pull on shoes on certain days.

CAP.

CAP. X.

The penalty for unlawful hunting the hare.

FORASMUCH as our sovereign lord the King, and other noblemen of this realm of England, before this time have used and exercised the game of hunting of the hare for their disport and pleasure, which game is now decayed, and almost utterly destroyed, for that divers persons in divers parts of this realm, by reason of the tracing in snow, have killed and destroyed, and daily do kill and destroy the same hares, by x, xij, or xvi, upon one day, to the displeasure of our said sovereign lord the King, and other noblemen of this his realm. (2) The penalty for killing of a hare in the snow. Wherefore be it enacted by our said sovereign lord, by the lords spiritual and temporal, and by the commons, in this present parliament assembled, and by authority of the same, That no person or persons, of what estate, degree, or condition they be, from henceforth trace, destroy, and kill any hare in the snow with any dog, bitch, bow, nor otherwise. (3) Justices of peace and stewards in leets may enquire of and punish the offenders. And that the justices of peace within every shire, at every sessions of the peace, and stewards of leets, shall have full authority and power to enquire of such offenders; (4) and after such inquisitions found, the said justices of the peace and stewards of leets, for every hare so killed, shall cess upon every such offender vi. s. viij. d. to be forfeited to our said sovereign lord; that shall be so founden by the justices of peace in their sessions, (5) and the : Jac. 1. c. 27. forfeiture found in every leet to be to the lord of the leet.

CAP. XI.

Cloths made in Suffolk, called Vesses or Set cloths, shall not be forfeited for lack of length or breadth, being wet.

HUMBLY shewn unto your highness, your true subjects and clothiers of your county of Suffolk, That where in the sixth year of your most noble reign, it was and is enacted amongst other things concerning making of cloth, That any person or persons shall not put any cloth to sale, which, when it is full wet, shall shrink more than one yard in length, and one quarter of a yard in breadth for the more part thereof; (2) and cloths called Narrowes or Streits after the rate; upon pain to forfeit for every cloth otherwise put to sale, vi. s. viij. d. and to deduct of his price for the same, to be rebated to the buyer thereof as much after the rate, as the same cloth so otherwise put to sale, (being full wet) shall be shrunk more than one yard of that it was in length at the time of the same sale, and as it shall (being wet) lack of the breadth of one yard and three quarters of a yard. (3) And in the same act was and is a proviso made after the form following.

II. *Provided alway, That this act extend not to woollen cloths called Kendals, nor cloths called Carpenel Whites, commonly made for lining of bosen, nor to any cloths called Tostocks, made in the county of Devonshire, nor to any woollen cloths made in the county of Cornwall, nor for any cottons or plain lining, or frise made or to be made in Wales, Lancashire, and Cheshire, or any of them.*

III. *So it is, most gracious sovereign lord, that vesses, otherwise called Set Cloths, of divers colours, be made in your said county of Suffolk,*

3 H. 7. c. 11.

folk, which be made to be worn in far countries, and not in England, and be of small prices, not above xl. s. a cloth, that do not hold the length nor breadth when they be wet, which the buyers do know well when they buy them, so that therein is no deceit; which cloths in the third year of the reign of your most noble father King Henry the Seventh were provided for, so that they might lawfully be sold without any penalty or forfeiture, though they lacked in length or breadth when they were full wet, and so they have used to do time out of mind.

IV. And in the proviso made in the said act of the sixth year of your most noble reign, they were forgotten and not provided for, which should be to the utter impoverishing of the clothiers of your said county, and of all other that be wrought by reason of cloth-making within the said county of Suffolk, if no remedy should be therefore provided.

The statute of
6 H. 8. c. 9.
shall not ex-
tend to Vesses
or Set Cloths.

V. Wherefore your humble subjects humbly beseech your highness, That it be enacted by all the lords spiritual and temporal, and all the commons, in this present parliament assembled, with your royal assent to the same, That all cloths called *Vesses*, otherwise called *Set Cloths*, what colour soever they be of, not being above the value of xl. s. a cloth, shall not be forfeited, for that they lack in length or breadth, when they be full wet, after the sale of them afore this time made, or hereafter to be made; (2) the said act made in the sixth year of your most noble reign, or any other act heretofore made to the contrary notwithstanding.

CAP. XII.

What coiners shall do that make money at any mint within England.

COINERS that shall make any money at any mint, shall coin part thereof half-angels, groats, and small money. The print of the farthing. The tenth part of money coined for any person shall be paid in half-pence and farthings. This act not to affect the coiners of *York*, *Duresme*, or *Canterbury*.

CAP. XIII.

A confirmation of the statute of 11 H. 7. c. 5. touching the pulling down of engines in the haven of *Southampton*, and the same made perpetual.

CAP. XIV.

4 H. 7. c. 4.
7 H. 7. c. 2, 3.
3 H. 8. c. 4.

They which be in the King's service in the wars may aliene their lands, for the performance of their wills, without any fine for alienation; and if any of them die in the King's service in war, his feoffees or executors shall have the wardship of his heir and land.

Statutes made at the parliament begun at *London*,
and continued afterwards by prorogation and
adjournment to *Weſtminſter*, Anno 21 HEN. VIII.
and *Anno Dom.* 1529.

STATUTA ad rempublicam ſpectantia, edita, in prima ſeſſione parlia- Cro. El. 853.
menti primæ inchoati in civitate Londini tertio die Novembris, anno
invictiſſimi principis Henrici octavi Angliæ & Franciæ regis, fidei defen-
ſoris, & domini Hiberniæ viceſimo primo, & ex ea civitate tam adjurnati
quam prorogati ad palatium Weſtmon' & ibidem continuati per quadra-
ginta & quatuor dies, videlicet uſque ad decimum ſeptimum diem Decem-
bris & ab eisdem loco & die prorogati uſque ad viceſimum ſeptimum diem
Aprilis tunc proxime instantis.

CAP. I.

The King's pardon to all perſons of all offences, forfeitures, E X P.
pains of death and body, except treaſons, murders, &c.

CAP. II.

An abjured perſon ſhall be marked by the coroner on his thumb Rep. 1 Jac. 1.
with a hot iron; and if he reſuſe to take his paſſage at the C. 25. &
time appointed by the coroner, he ſhall loſe the benefit of 21 Jac. 1. c. 28.
ſanctuary.

CAP. III.

Plaintiffs in aſſiſe may abridge their plaints.

FORASMUCH as aſſiſes, which have been thought the moſt Dyer, 61, 65,
ſpeedy remedy, be now by occaſion of pleading of many bars to 88, 132.
moieties and parts of the lands put in view and plaints, greatly delayed; H. 7. c. 22.
for difficulties and diviſion of pleading; and one cauſe thereof is, be- Fitz. pleint,
cause the plaintiffs in every aſſiſe in ſuch pleas to moieties and parties, 47, 11, 19.
cannot by the law abridge their plaints: (2) for remedy whereof be it
enacted, That the plaintiff in every aſſiſe from henceforth may
at his pleaſure ſever and abridge his plaint, of any part or parts
whereunto any bar is pleaded by moiety, in like manner as he
or they might do in caſe the pleas in bar had been made and
divided to any certainty or number of acres in the plaint; and
that the plaint for the reſidue of the part or parts of the lands not
abridged, ſhall be and ſtand good and effectual in the law. *Qua*
quidem billa perleſta, & ad plenum intellecta, per dictum dom' regem
ex aſſenſu & auctoritat' parliamenti predicti taliter eſt reſponſum.
Imperfect on the roll.

The plaintiff
in aſſiſe may
abridge his
plaint of any
part whereun-
to a bar is
pleaded.

CAP. IV.

The ſale of lands by part of the executors, lawful.

WHERE divers ſundry perſons before this time, having other 2 Roll, 336.
perſons ſeiſed to their uſe of and in lands and other heredita- Land deviſed
ments to and for the declaration of their wills, have by their laſt wills to be ſold by
and teſtaments willed and declared ſuch their ſaid lands, tenements, or divers execu-
other hereditaments to be ſold by their executors, as well to and for the tors, cannot
payments of their debts, performance of their legacies, neceſſary and by common
convenient finding of their wives, virtuous bringing up and advance- law be ſold by
part of them.

ment of their children to marriage, as alſo for other charitable deeds to be done and executed by their executors for the health of their ſouls. (2) And notwithstanding ſuch truſt and confidence ſo by them put in their ſaid executors, it hath oftentimes been ſeen, where ſuch laſt wills and teſtaments of ſuch lands, tenements, and other hereditaments have been declared, and in the ſame divers executors named and made, that after the deceaſe of ſuch teſtators ſome of the ſame executors, willing to accompliſh the truſt and confidence that they were put in by the ſaid teſtator, have accepted and taken upon them the charge of the ſaid teſtament; and have been ready to fulfil and perform all things contained in the ſame; and the reſidue of the ſame executors, uncharitably contrary to the truſt that they were put in, have reſuſed to intermeddle in any wiſe with the execution of the ſaid will and teſtament, or with the ſale of ſuch lands ſo willed to be ſold by the teſtator. (3) And forasmuch as a bargain and ſale of ſuch lands, tenements, or other hereditaments ſo willed by any perſon to be ſold by his executors after his deceaſe, after the opinion of divers perſons, can in no wiſe be good or effectual in the law, unleſs the ſame bargain and ſale be made by the whole number of the executors named to and for the ſame; (4) by reaſon whereof, as well the debts of ſuch teſtators have reſted unpaid and unsatisfied, to the great danger and peril of the ſouls of ſuch teſtators, and to the great hindrance, and many times to the utter undoing of their creditors: (5) as alſo the legacies and bequeſts made by the teſtator to his wiſe, children, and for other charitable deeds to be done for the wealth of the ſoul of the ſame teſtator that made the ſame teſtament, have been alſo unperformed, as well to the extreme miſery of the wiſe and children of the ſaid teſtator, as alſo to the let of performance of other charitable deeds for the wealth of the ſoul of the ſaid teſtator, to the diſpleaſure of Almighty God. (6) For remedy whereof, be it enacted, ordained, and eſtabliſhed by the authority of this preſent parliament, That where part of the executors named in any ſuch teſtament of any ſuch perſon ſo making or declaring any ſuch will of any lands, tenements, or other hereditaments to be ſold by his executors, after the death of any ſuch teſtator, do reſuſe to take upon him or them the adminiſtration and charge of the ſame teſtament and laſt will wherein they be ſo named to be executors, and the reſidue of the ſame executors do accept and take upon them the cure and charge of the ſame teſtament and laſt will; that then all bargains and ſales of ſuch lands, tenements, or other hereditaments, ſo willed to be ſold by the executors of any ſuch teſtator, as well heretofore made, as hereafter to be made by him or them only of the ſaid executors that ſo doth accept, or that heretofore hath accepted and taken upon him or them any ſuch cure or charge of adminiſtration of any ſuch will or teſtament, ſhall be as good and as effectual in the law, as if all the reſidue of the ſame executors named in the ſaid teſtament, ſo reſuſing the adminiſtration of the ſame teſtament, had joined with him or them in the making of the bargain and ſale of ſuch lands, tenements, or other hereditaments ſo willed to be ſold by the executors of any ſuch teſtator, which heretofore hath made or declared, or that hereafter

Part of the
executors, who
take upon
them the
charge of a
will, may ſell
any land de-
viſed by the
teſtator to be
ſold.

3 Cro. 80.

Br. Deviſe, 10.

31.

Co. Lit. 113. a.

hereafter shall make or declare any such will, of any such lands, tenements, or other hereditaments after his decease, to be sold by his executors.

II. Provided alway, That this act shall not extend to give power or authority to any executor or executors at any time hereafter to bargain or put to sale any lands, tenements, or hereditaments, by virtue and authority of any will or testament heretofore made, otherwise than they might do by the course of the common law afore the making this act, Wills made before this statute.

CAP. V.

What fees ought to be taken for probate of testaments.

WHERE in the parliament holden at Westminster, in the thirty first year of the reign of the noble King of famous memory, Edward the Third, upon the complaint of his people for the outrageous and grievous fines and sums of money taken by the ministers of bishops, and of other ordinaries of holy church, for the probate of testaments, and for the acquittances by the said ordinaries to be made concerning the same, the said noble King in the same parliament, openly charged and commanded the archbishop of Canterbury, and the other bishops for the time being, that amendment thereof should be had; (2) and if none amendment were thereof had, it was by the authority of the same parliament accorded, that the King should thereof make enquiry by his justices, of such oppression and extortions; and that the same justices should hear and determine them as well at the suit of the King, as of the party, as of old time hath been used, as by the same statute plainly appeareth. (3) And where at the parliament holden at Westminster, in the third year of the reign of King Henry the Fifth, it was recited, That the commons of the realm had oftentimes complained them in divers parliaments, for that divers ordinaries do take for the probation of testaments, and other things thereunto belonging, sometime xl. s. sometime lx. s. and sometimes more, against right and justice, where in the time of King Edward the Third, men were wont to pay for such causes but ii. s. vi. d. or v. s. at the most, by which unlawful exactions the testaments of the testators might not be executed according to their last wills; (4) it was then enacted, for the avoiding of such oppressions, That no ordinary from thenceforth should take for the probation of any testament or inventory, or for any other thing to the same belonging, any more than was accustomed and used in the time of the said noble King Edward the Third, (5) upon pain to yield to the party so grieved, three times as much as the said ordinaries did so receive; (6) which act did endure but to the next parliament following, by reason that the ordinaries did then promise to reform and amend the said oppressions and exactions; (7) and for that the said unlawful exactions of the said ordinaries, and their ministers, be nothing reformed nor amended, but greatly augmented and increased, against right and justice, and to the great impoverishing of the King's subjects: 31 Ed. 3. stat. 1. c. 4. Latch. 68. H. 5. c. 3. The ordinary's duties for probate of testaments in the time of K. Ed. 3. The unlawful exactions of ordinaries the cause of this statute.

II. The King our sovereign lord, by the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, hath ordained,

The fees for probate of a testament, where the goods exceed not the value of C. s.

established, and enacted, That from the first day of *April*, in the year of our Lord M.D.XXX. that nothing shall be demanded, received, nor taken by any bishop, ordinary, archdeacon, chancellor, commissary, official, or any other manner of person or persons, whatsoever they be, which now have, or which at any time hereafter shall have authority or power to take or receive probatation, insinuation, or approbation of testament or testaments, by himself, or themselves, nor by his or their registers, scribes, praisers, summoners, apparitors, or by any other of their ministers, for the probatation, insinuation, and approbation of any testament or testaments, or for writing, sealing, praising, registering fines, making of inventories, and of giving of acquittances, or for any other manner of cause concerning the same, where the goods of the testator of the said testament, or person so dying, do not amount clearly over and above the value of C. s. sterling, (2) except only to the scribe to have for writing of the probate of the testament of him deceased, whose goods shall not be above the same clear value of C. s. vi. d.

Commission of administration where the goods exceed not the value of C. s.

(3) and for the commission of administration of the goods of any man deceasing intestate, not being above like value of C. s. clear vi. d. (4) and that nevertheless, the bishop, ordinary, or other person or persons having power or authority to take or receive the probatation or approbation of testaments, refuse not to approve any such testament, being lawfully tendered or offered to them to be proved or approved, whereof the goods of the testator, or person so dying, amount not above the value of C. s. sterling, so that the said testament be exhibited to him or them in writing, with wax thereunto affixed ready to be sealed, and that the same testament be lawfully proved before the same ordinary (before the sealing) to be true, whole, and the last testament of the same testator, in such form as hath been commonly accustomed in that behalf.

The fees of the probate of a testament, where the goods do exceed C. s. and not xl. li.

III. And when the goods of the testator do amount over and above the clear value of C. s. and do not exceed the sum of xl. li. sterling; that then no bishop, ordinary, nor other manner of person or persons, whatsoever he or they be, now having, or which hereafter shall have, authority to take probatation or approbation of any testament or testaments, as is aforeſaid, by themselves, nor any of their said registers, scribes, praisers, summoners, apparitors, nor any other their ministers, for the probatation, insinuation, and approbation of any testament or testaments, or for the registering, sealing, writing, praising, making of inventories, giving of acquittances, fines, or any other thing concerning the same, shall take, or cause to be taken of any person or persons but only three shillings vi. d. and not above, (2) whereof to be to the said bishop or ordinary, or to any other person or persons having power and authority to take the probatation or approbation of any testament or testaments, for him and his ministers ii. s. vi. d. and not above, and xii. d. residue of the said iii. s. vi. d. to be to the scribe for the registering of the same: (3) and where the goods of the testator, or person or persons

* Roll, 158, 263, 449.

The fees of the probate of a testament, where the goods do exceed xl. li.

sons fo dying, do amount over and above the clear value of xl. li. sterling, that then the bishop nor ordinary, nor other person or persons, now having, or which hereafter shall have authority or power to take probate of testaments, as is aforefaid, by him or themselves, nor any of his or their said registers, scribes, praifers, summoners, apparitors, or any other their ministers, for the probation, insinuation, and approbation of any testament or testaments, or for the registering, sealing, writing, praising, making of inventories, fines, giving of acquittances, or any thing concerning the same probate of a testament, shall from the first day of *April*, take, or cause to be taken of any person or persons, but only v. s. and not above, whereof to be to the said bishop, ordinary, or other person having power to take the probation of such testament or testaments, for him and his ministers ii. s. vi. d. and not above, and ii. s. vi. d. residue of the said v. s. to be to the scribe for registering of the same, (4) or else the same scribe to be at his liberty to refuse those ii. s. vi. d. and to demand and have for writing of every ten lines of the same testament, whereof every line to contain in length ten inches, i. d. (5) and that every such bishop or ordinary, and other person or persons so having, or which hereafter shall have authority or power to take or receive the probation or approbation of any testament or testaments, as is abovefaid, their registers, scribes, and ministers shall approve, insinuate, seal, and register, from time to time, the said testaments, and deliver the same sealed with the seal of their office, to the executor or executors named in any such testaments, for the said sum or sums abovefaid, and in manner and form as is above rehearsed, to deliver it with convenient speed, without any frustratory delay; (6) and in case any person die intestate, or that the executors named in any such testament refuse to prove the said testament, then the said ordinary, or other person or persons having authority to take probate of testaments, as is abovefaid, shall grant the administration of the goods of the testator, or person deceased, to the widow of the same person deceased, or to the next of his kin, or to both, as by the discretion of the same ordinary shall be thought good, taking surety of him or them, to whom shall be made such commission, for the true administration of the goods, chattels, and debts, which he or they shall be so authorised to minister; (7) and in case where divers persons claim the administration as next of kin, which be equal in degree of kindred to the testator or person deceased, and where any person only desireth the administration as next of kin, where indeed divers persons be in equality of kindred, as is aforefaid, that in every such case the ordinary to be at his election and liberty to accept any one or mo making request, where divers do require the administration.

IV. Or where but one or more of them, and not all being in equality of degree, do make request, then the ordinary to admit the widow, and him or them only making request, or any one of them at his pleasure, taking nothing for the same, unless the goods

Testaments shall be sealed and delivered without delay.

Hob. 250. Administration granted of the goods of the intestate.

1 Salk. 35. Moore, 871. pl. 1210. Bro. Admin. 47.

3 Co. 40. 9 Co. 39. Cro. El. 163. Cro. Car. 9. 106.

To whom administration shall be granted, when divers do request it.

3 Mod. 59. 60. &c.

How much the ordinary shall take for granting of administration.

3 Inst. 148.

The testator's inventory, by whom it shall be made, and to whom delivered.

1 Roll, 358.

goods of the person so deceased amount above the value or sum of C. s. (2) and in case the goods of the person so deceased amount to above the value of C. s. and not above the value or sum of xl. li. then the said bishop, ordinary, or other person or persons so having authority to take probate of testaments, as is aforesaid, their ministers and officers shall take only ii. s. vi. d. sterling, and not above; (3) and that the executor and executors named by the testator, or person so deceased, or such other person or persons to whom such administration shall be committed where any person dieth intestate, or by way of intestate, calling or taking to him or them such person or persons, two at the least, to whom the said person so dying was indebted, or made any legacy, and upon their refusal or absence, two other honest persons, being next of kin to the person so dying, and in their default and absence two other honest persons, and in their presence, and by their discretions, shall make, or cause to be made, a true and perfect inventory of all the goods, chattels, wares, merchandises, as well moveable as not moveable whatsoever, that were of the said person so deceased, (4) and the same shall cause to be indented, whereof the one part shall be by the said executor or executors, administrator or administrators, upon his or their oath or oaths, to be taken before the said bishops, or ordinaries, their officials, or commissaries, or other persons having power to take probate of testaments, upon the holy evangelists, to be good and true, and the same one part indented shall present and deliver into the keeping of the said bishop, ordinary, or ordinaries, or other person having power to take probate of testaments, and the other part thereof to remain with the said executor or executors, administrator or administrators; (5) and that no bishop, ordinary, or other whatsoever person, having authority to take probate of testament or testaments, as is above said, upon the pain in this estatute hereafter contained, refuse to take any such inventory or inventories to him or them presented or tendered to be delivered as is aforesaid.

The profits of the lands to be sold shall not be accounted the testator's goods.

Dyer, 264,

310.

Fitz. Exec. 1, 37, 51.

The testator's seal shall be defaced.

The fee for search and copies of testaments or inventories.

V. Provided always, That if the person so deceased will by his testament, or last will, any lands, tenements, or hereditaments, to be sold, that the money thereof coming, nor the profits of the said lands, for any time to be taken, shall not be accounted as any of the goods or chattels, of the said person so deceased; (2) and that the same bishop, ordinary, or other person or persons, having authority to take probate of testament or testaments, as is aforesaid, upon the delivery of the seal and sign of the testator, do cause the same seal to be defaced, and thereupon incontinent redeliver the same seal unto the said executor or executors, without claim or challenge thereunto to be made. (3) And in case any person or persons, at any time hereafter, require a copy or copies of the said testament so proved, or of the said inventories so made, that then the said ordinary or ordinaries, and the other persons having authority to take probate of testaments, or their ministers, shall from time to time with convenient speed, without any frustratory delay, deliver,

liver, or caufe to be delivered, a true copy or copies of the fame, to the faid perfon or perfons fo demanding them, or any of them, (4) taking for the fearch, and for the making of the copy of either of the faid teftament or inventory, but only fuch fee as is before rehearfed for the regiftring of the faid teftament; or elfe the fcribe or regifter to be at his election and liberty to demand, have, and take for every ten lines thereof, being of the proportion before rehearfed, i. d.

VI. Provided alway, That where any perfon or perfons having power or authority to take probate of teftaments, have ufed to take lefs fums of money than is abovesaid, for the probate of teftaments, or commiffions of adminiftrations, or other caufe concerning the fame, fhall take and receive fuch fum or fums of money for the probate of teftaments and commiffions of the adminiftrations, and other caufes concerning the fame, as they before the making of this act have ufed to take, and not above.

Custom to take lefs money for probate than is aforefaid.

VII. And it is enacted, That every bifhop, ordinary, arch-deacon, chancellor, commiffary, official, and other perfon or perfons having, or which hereafter fhall have authority to take probate of teftaments, their regifters, fcribes, praifers, fummoners, apparitors, and all other their minifters whatfoever they be, that fhall do or attempt, or caufe to be done or attempted againft this act or ordinance in any thing, fhall forfeit and lofe for every time fo offending, to the party grieved in that behalf, fo much money as any fuch perfon abovesaid fhall take contrary to this prefent act; (2) and over that fhall lofe and forfeit x. li. fterling, whereof the one moiety fhall be to the King our fovereign lord, and the other moiety to the party grieved in that behalf, that will fue by action of debt, bill, information, or otherwife in any of the King's courts, for the recovery of the fame; in which action no effoin, protection, nor wager of law fhall be admitted or allowed. (3) And that every of the fame bifhops, and other perfons, which fhall hereafter incur or fall into the dangers of fuch penalty or forfeiture, fhall be charged only by himfelf, and none of them to be chargeable to that penalty for other's offence.

The forfeiture of the ordinary and his officers who fhall do any thing contrary to this ftatute. Co. pl. f. 166. Raft. pl. f. 603.

VIII. Provided alway, That this prefent act be not prejudicial to any ordinary, or any other perfon, which now have, or hereafter fhall have authority for probate of teftaments, but that every of them fhall and may convent before them all and every perfon or perfons made and named executor or executors of any teftament, to the intent to prove or refufe the teftament or teftaments of their teftator or teftators, and to bring in inventories, and to do every other thing concerning the fame, as they might do before the making of this act; (2) fo that always any fuch ordinary, or other perfon or perfons having fuch authority, by themfelves, their commiffaries, fcribes, regifters, or other minifters aforefaid, fhall not in any wife take for the fame above the fees limited by this act, ne in any wife attempt any thing contrary to any part of the fame act.

An ordinary may convent executors to prove the teftator's will, and to bring in their inventory.

26 H. 8. c. 15.

CAP. VI.

Where mortuaries ought to be paid, for what persons, and how much; and in what case none is due.

13 Co. 9.
The causes
of limiting in
certainty
what shall be
paid for
mortuaries.

FORASMUCH as question, ambiguity, and doubt is chanced and risen upon the order, manner, and form of demanding, receiving, and claiming of mortuaries, otherwise called Corse Presents, as well for the greatness and value of the same, which, as hath lately been taken, is thought over-excessive to the poor people and other persons of this realm, (2) as also for that such mortuaries or corse presents have been demanded and levied, for such as at the time of their death have had no property in any goods or chattels, and many times for travelling and wayfaring men, in the places where they have fortunated to die; (3) to the intent that all doubt, contention, and uncertainty herein may be removed, and as well the generality of the King's people therein remedied, as also of the parsons, vicars, parish priests, curates, and other having interest in such mortuaries and corse presents indifferently provided for:

II. Be it therefore enacted, ordained, and established by the King our sovereign lord, and the lords spiritual and temporal, and the commons of this parliament assembled, and by authority of the same, That from the first day of April, in the year of our Lord God M.D.XXX. no parson, vicar, curate, nor parish priest, ne any other spiritual person, nor their fermors, bailiffs, nor lessees, shall take, receive, or demand of any person or persons within this realm, for any person or persons dying within the same, any manner mortuary or corse present, ne any sum or sums of money, ne any other thing for the same, more than is hereafter mentioned; (2) ne also shall convent or call any person or persons before any judge spiritual, for the recovery of any such mortuaries or corse presents, or any other thing for the same, more than is hereafter mentioned, (3) upon pain to forfeit for every time so demanding, receiving, taking, or conventing, or calling any such person or persons before any spiritual judge, so much in value as they shall take above the sum limited by this act, and over that, xl. s. to the party grieved contrary to this act; (4) for the which forfeiture the party so grieved contrary to this act, shall have an action of debt, by writ, bill, plaint, or information in any of the King's courts, wherein no wager of law, essoin, nor protection shall be allowed.

III. First it is ordained, established, and enacted, That no manner of mortuary shall be taken or demanded of any person whatsoever he be, which at the time of his death hath in moveable goods under the value of x. marks. (2) Also that no mortuary shall be given, asked, or demanded from henceforth of any manner person, but only in such place where heretofore mortuaries have been used to be paid and given, and in those places none otherwise but after the rate and form hereafter mentioned. (3) Ne that any person pay mortuaries in more places than one, that is to say, in the places of their most dwelling

The penalty
of him that
conventeth
any person to
pay for a
mortuary
more than is
due.

No mortuary
where the
goods be under
x. marks.
Cro. Car. 237.
No mortuary
but where
mortuaries
have been.
But one mortuary
for one
person.

ling and habitation, and there but one mortuary. (4) Nor no parſon, vicar, curate, pariſh prieſt, or other, ſhall for any perſon dying or dead, and being at the time of his death of the value in moveable goods of x. marks, or more, clearly above his debts paid, and under the ſum of xxx. li. take for a mortuary above iii. s. iv. d in the whole. (5) And for a perſon dying or dead, being at the time of his death of the value of xxx. li. or above clearly, above his debts paid, in moveable goods, and under the value of xl. li. there ſhall no more be taken or demanded for a mortuary than vi. s. viii. d. in the whole. (6) And for any perſon dying or dead, having at the time of his death of the value in moveable goods of xl. li. or above, to any ſum whatſoever it be, clearly above his debts paid, there ſhall be no more taken, paid, or demanded for a mortuary than x. s. in the whole.

The duty of the parſon, &c. for all mortuaries.

IV. Provided alway, That for no woman being covert baron, nor child, ne for any perſon not keeping houſe, any manner mortuary be paid, ne that any parſon, vicar, curate, pariſh prieſt or other, ask, demand, or take for any ſuch woman, child, or for any perſon not keeping houſe, dying or dead, any manner thing or money, by way of mortuary; (2) ne alſo for any way-faring man, or other, that dwelleth not, ne maketh reſidence in the place where they ſhall happen to die, but that the mortuary of ſuch way-faring perſons be anſwerable in places where mortuaries be accuſtomed to be paid, and in manner and form, and after the rate before mentioned, and none otherwiſe, in the place or places where ſuch way-faring perſons at the time of their death had their moſt habitation, houſe, and dwelling-places, and no where elſe.

A woman covert, a child, or perſon keeping no houſe, ſhall pay no mortuary. Nor wayfaring man, or that maketh no reſidence where he dieth.

V. Provided alway, That it ſhall be lawful to all manner parſons, vicars, curates, pariſh prieſts, and other ſpiritual perſons, to take and receive any manner ſum of money, or other thing, which by any perſon dying ſhall fortune to be diſpoſed, given, or bequeathed unto them, or any of them, or to the high altar of the church, this act, or any thing therein mentioned notwithstanding.

A legacy bequeathed to a parſon, &c. or to the altar.

VI. And be it alſo enacted by the authority aforeſaid, That no mortuaries nor corſe preſents, ne any ſum or ſums of money, or other thing, for any mortuary or corſe preſent, ſhall be demanded, taken, received, or had in the parts of *Wales*, nor in the marches of the ſame, nor in the towns of *Calais* or *Berwick*, nor in the marches of the ſame, but only in ſuch parts and places of *Wales*, marches, and towns aforeſaid, where mortuaries have been accuſtomed to be taken and paid; (2) and in thoſe parts and places no mortuaries nor corſe preſents, ne any other thing for mortuary or corſe preſent from henceforth ſhall be demanded, taken, received, or had, but only after the form, order, and manner above ſpecified in this preſent act, and none otherwiſe, ne of any other perſon or perſons than is limited by this preſent act, upon the pain above contained in this preſent act.

No mortuaries in *Wales*, *Calais*, or *Berwick*.

Mortuaries to be taken by the bishops of Bangor, St. David, St. Asaph, &c. In part repealed by 12 Annæ. stat. 2. c. 6. Places where mortuaries have been of less value.

VII. Provided also, That it shall be lawful to the bishops of Bangor, Landaff, St. David's, and St. Asaph, and likewise to the archdeacon of Chester, to take such mortuaries of the priests within their dioceses and jurisdictions, as heretofore have been accustomed. (2) Provided also, That in such places where mortuaries have been accustomed to be taken of less value than is aforesaid, that no person shall be compelled to pay in any such place any other mortuary, or more for any mortuary than hath been accustomed, ne that any mortuary in such place shall be demanded, taken, received, or had of any person or persons exempt by this act, nor in any wise contrary to this act, upon the pain afore limited.

C A P. VII.

Servants imbezzelling their masters goods to the value of forty shillings, or above, shall be punished as felons.

3 Inst. 104.

WHERE before this time divers, as well noblemen, as other the King's subjects, have upon confidence and trust delivered unto their servants their caskets, and other jewels, money, goods, and chattels, safely to be kept to the use of their said masters or mistresses, and after such delivery the said servants have withdrawn themselves, and gone away from their said masters or mistresses, with the said caskets, jewels, money, goods, and chattels, or part thereof, to the intent to steal the same, and defraud their said masters or mistresses thereof, and sometime being with their said masters or mistresses, have converted the said jewels, money, and other chattels, or part thereof, to their own use, which misbehaviour so done was doubtful in the common law, whether it were felony or not; and by reason thereof the foresaid servants have been in great boldness to commit such or like offences:

(2) be it therefore enacted, ordained, and established by the King our sovereign lord, by the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That all and singular such servants, to whom any such caskets, jewels, money, goods, or chattels, by his or their said masters or mistresses, shall from henceforth so be delivered to keep, that if any such servant or servants withdraw him or them from their said masters and mistresses, and go away with the said caskets, jewels, money, goods, or other chattels, or any part thereof, to the intent to steal the same, and defraud his or their said masters or mistresses thereof, contrary to the trust and confidence to him or them put by his or their said masters or mistress, or else being in the service of his said master or mistresses, without assent or commandment of his masters or mistresses, he imbezzel the same caskets, jewels, money, goods, or chattels, or any part thereof, or otherwise convert the same to his own use, with like purpose to steal it, that if the said caskets, jewels, money, goods, or chattels, that any such servant shall so go away with, or which he shall imbezzel with purpose to steal it, as is aforesaid, be of the value of xl. s. or above, that then the same false, fraudulent, and untrue act or demeanour, from henceforth shall be deemed

and

If a servant shall go away with any money, &c. of his masters to the value of xl. s. or above, it shall be felony.

and adjudged felony; and he or they ſo offending, to be puniſhed, as other felons be puniſhed for felonies committed, by the courſe of the common law.

II. Provided alway, That this act, or any thing therein contained, ſhall not in any wiſe extend, or be prejudicial to any apprentice or apprentices, nor to any perſon within the age of eighteen years, going away with his or their maſters goods or jewels, or otherwiſe converting the ſame to his or their own uſes, during the time of their apprenticeship, or being within the age of eighteen years, but that every apprentice or apprentices, ſuch perſon or perſons being within the ſaid age, doing or offending contrary to this preſent act, ſhall be, and ſtand in like caſe as they and every of them were before the making of this act; (2) the ſame act to continue and endure unto the next parliament.

This ſtatute ſhall not extend to an apprentice, or one within 18 years of age. 27 H. 8. c. 17. 28 H. 8. c. 2. Rep. by 1 Mar. ſeſſ. 1. c. 1. and made perpetual by 5 El. c. 10.

CAP. VIII.

No butcher ſhall kill any calf calved between the firſt day of Exp. 24 H. 8. January, and the firſt of May, upon pain of forfeiture of c. 9. vi. s. viii. d.

CAP. IX.

Whoſoever ſhall ſell any hats or caps made beyond the ſea above the prices herein limited, ſhall forfeit xl. s. Rep. 1 Jac. 1. c. 25.

CAP. X.

Whoſoever doth carry any braſs, &c. to any port to be conveyed beyond the ſea, ſhall forfeit the ſame, or the value thereof. Exp. 31 H. 8. c. 7. 33 H. 8. c. 7. 2 & 3 Ed. 6. c. 37.

CAP. XI.

At what time reſtitution ſhall be made of goods ſtolen.

BE it enacted by this preſent parliament, That if any felon or felons hereafter do rob, or take away any money, goods, or chattels, from any of the King's ſubjects, from their perſon or otherwiſe, within this realm, and thereof the ſaid felon or felons be indiſted, and after arraigned of the ſame felony, and found guilty thereof, or otherwiſe attainted by reaſon of evidence given by the party ſo robbed, or owner of the ſaid money, goods, or chattels, or by any other by their procurement, that then the party ſo robbed, or owner, ſhall be reſtored to his ſaid money, goods, and chattels; (2) and that as well the juſtices of gaol-delivery, as other juſtices, afore whom any ſuch felon or felons ſhall be found guilty, or otherwiſe attainted, by reaſon of evidence given by the party ſo robbed, or owner, or by any other by their procurement, have power, by this preſent act, to award, from time to time, writs of reſtitution for the ſaid money, goods, and chattels, in like manner as though any ſuch felon or felons were attainted at the ſuit of the party in appeal.

There ſhall be reſtitution to the owner of ſtolen goods after the attainder of the felon. 2 Bulſtr. 310. Cro. El. 661. Kelyng, 48.

CAP. XII.

Touching making of cables, &c. in Burport.

MOST humbly beſeeching your highneſs, the bailiffs, burgeſſes, and other the inhabitants of your town and borough of Burport, within your county of Dorſet, that where they, out of time that no

The cauſe of former maintenance of the town of Burman's

port, and of
the late decay
thereof.

man's mind is to the contrary; have used and exercised to make, within the same, the most part of all the great cables, halfers, ropes, and all other tackling, as well for your royal ships and navy, as for the most part of all other ships within this realm, by reason whereof your said town was right well maintained, and inhabited, your highness and your subjects right well served, until now of late many, divers, and evil-disposed persons, intending the destruction of your said town, for their private lucre, and advantage, have withdrawn themselves into the country in divers places, there taking farms, and using husbandry out of the said town, and also daily resort to your said town to buy, and provide hemp, and thereof make cables, ropes, halfers, traces, halters, and other tackle, which cables, ropes, halfers, traces, halters, and other tackle, been by the said persons slightly and deceivably made, by reason whereof not only the buyers of the same been continually thereby deceived, but also the prices of the said cables, halfers, traces, halters, and other tackle thereby greatly inhaunced, and your said town or borough, by means thereof, is like utterly to be decayed, ruined, and desolated, if speedy remedy be not by your highness in that case provided.

Hemp growing
within 5
miles of Bur-
port shall be
fold there.

II. Be it therefore enacted by your highness, by the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That no manner person or persons dwelling or inhabiting within the distance of five miles from the said town or borough of *Burport*, shall from henceforth, sell, or cause to be sold out of the market holden and to be holden within the same town or borough of *Burport*, to any person or persons, any hemp, which shall happen to grow within the said five miles in distance from the said town or borough, upon pain of forfeiture of the said hemp so sold, or to be sold, in any place or places within the distance of the said five miles out of the said town, borough, or market, contrary to the form and effect of this statute.

Cables, hal-
fers, and
tackle of
hemp shall be
made at Bur-
port.

III. And further be it enacted by the authority aforesaid, That no person or persons, other than such as shall dwell, and be inhabitants within the said town, shall make, after the feast of *Easter* next coming, out of the said town, any cables, halfers, ropes, traces, halters, or any other tackle made of hemp, in any other place or places within the said distance of five miles from the said town, upon pain of forfeiture of the said cables, halfers, ropes, traces, halters, and other tackle, made, and to be made contrary to the form and effect of this statute; (2) the one half of every such forfeitures, as well of the hemp so sold, or to be sold out of the said town, borough, and market, contrary to the form aforesaid, as also the said cables, halfers, ropes, traces, halters, or other tackle made out of the said town contrary to this statute, to be to the use of our sovereign lord the King, and the other half to him that will sue for the same, by action of debt, bill, or information, wherein neither wager of law, essoin, nor protection shall be allowed.

so Pound wt.
a stone of
hemp.

IV. Provided always, That twenty pounds weight shall be accounted to the stone.

V. Pro-

V. Provided also, That every perfon dwelling within the faid diftance, may make cables, halfers, ropes, traces, halters, and other tackle; for their own ufe and occupations but in no wife againft this act; (2) this act to endure to the next parliament.

C A P. XIII.

Spiritual perfons abridged from having pluralities of livings, and from taking of fermes, &c.

FOR the more quiet and virtuous increafe and maintenance of divine fervice, the preaching and teaching the word of God, with godly and good example giving, the better difcharge of curates, the maintenance of hofpitality, the relief of poor people, the increafe of devotion, and good opinion of the lay-fee toward the fpiritual perfons: (2) Be it enacted, ordained, and eftablifhed by the King our fovereign lord, with the affent of the lords fpiritual and temporal, and the commons in this prefent parliament afsembled, and by authority of the fame, That no fpiritual perfons, feccular or regular, of what degree foever he or they be, fhall from henceforth take to ferm to himfelf, or to any perfon or perfons to his ufe, of the leafe or grant of the King our fovereign lord, nor of any other perfon or perfons, by letters patents, indentures, writings, by words or otherwife, by any manner of means, any manors, lands, tenements, or other hereditaments for term of life, for term of years, or at will, (3) upon pain to forfeit ten pounds for every month that he, or any other to his ufe, fhall occupy any fuch ferm, by reafon of any fuch leafe or grant hereafter to be made; the one half of which forfeiture to be to the King our fovereign lord, and the other half thereof to every fuch perfon that will fue for the fame by original writ, bill, or plaint of debt, or by any information in any of the King's courts; (4) in which action and fuit no wager of law fhall be admitted for the defendant, nor any effoin or protection allowed.

II. And be it alfo enacted by the authority aforefaid, That all and every fuch fpiritual perfon or perfons which now have, or occupy in ferm, by themfelves, or by any other to their ufe, any manors, lands, tenements, or hereditaments, of the leafe, or grant of the King our fovereign lord, or any other perfon or perfons, for term of life, or for years, or at will, by any writing or otherwife, or that now have any annual rents, or other annual advantage, or profit, by occafion or colour of any fuch leafe or ferm, fhall clearly bargain, fell, give, or grant away on this fide the feaft of St. Michael the archangel next coming, to any fuch lay perfon or perfons, as they will at their own nominations and appointment, all fuch leafe, term, intereft, and profit, as any fuch fpiritual perfon, or any other to his ufe, now hath or have, in or by reafon of any fuch ferm; (2) fo that in no wife any fuch fpiritual perfon or perfons at any time after the fame feaft, by themfelves, or any other to their ufe,

The worker making it to his own ufe. Continued by 33 H. 8. c. 12. 37 H. 8. c. 23. & 3 Car. 1. c. 4. and again by 16 Car. 1. c. 4.

The feveral benefits enfuing the performance of this ftatute, Savil. 22. Hob. 157. 2 Roll, 480. 3 Leon. 122. No fpiritual perfon fhall take any lands to ferm. 2 Bulft. 18. 1 Lutw. 134.

The fpiritual perfon which hath any ferm, or profit out of ferm, fhall aliene it forthwith.

Dyer, 351.

27 H. 8. f. 23.

by any manner of means, fraud, or male engine, shall have, use, or occupy in ferm, any manors, lands, tenements or hereditaments, of the demise, lease, or grant of any person or persons heretofore made, or hereafter to be made, to themselves, or to any other to their uses; (3) nor from the said feast shall take any annual rent, or other annual advantage or profit, by occasion or colour of any such lease or ferm by any manner of means, (4) upon pain to forfeit for every month so occupying any such ferm, at any time after the said feast, contrary to this present act, ten pounds, and upon pain to forfeit ten times as much as any such spiritual person, or any to his use, shall take in any annual rent, advantage, or profit, by occasion or colour of any such lease, at any time after the said feast; the one half of which forfeitures to be to the King, our sovereign lord, and the other half to him that will sue for the same by original writ, bill, or plaint of debt, or by information in any of the King's courts; (5) in which action and suit no wager of law shall be admitted for the defendant, nor any effoin nor protection allowed.

Leases made to spiritual persons, or to others to their use, shall be void.

III. And be it also enacted, That all such leases made, or hereafter to be made, unto any such spiritual person or persons, or to any other to their use for term of life, term of years, or at will, of any manors, lands, tenements, or hereditaments, whereof they, or any of them, shall take any profit or meddling by themselves, or by any to their use, after the said feast of Saint *Michael*, by colour of any such lease or grant, and not by them bargained, granted and sold away before the said feast, as is before limited, shall from henceforth be utterly void, and of none effect, as well against the lessor or lessors, grantor and grantors, their heirs and assigns, and against every of them, as against the lessee or lessees, and their executors and assigns, and every of them.

In some cases a spiritual person may take to ferm the temporalities of a bishop, &c.

IV. Provided alway, That this present act shall not extend to any spiritual person or persons, in and for taking to ferm any temporalities, during the time of vacations of any archbishopricks, bishopricks, abbeyes, priories, or other collegiate, cathedral, or conventual churches, (2) nor to any spiritual person or persons that shall tender or make any traverse upon any offices or office, concerning his or their freehold.

No spiritual person shall buy to sell again any merchandise, corn, cattle, &c.

V. And be it also enacted by the authority aforesaid, That no spiritual person or persons, secular or regular, of what estate or degree soever they be, shall from henceforth by himself, nor by any other for him, nor to his use, bargain and buy to sell again for any lucre, gain, or profit, in any markets, fairs, or other places, any manner of cattle, corn, lead, tin, hides, leather, tallow, fish, wool, wood, or any manner of victual or merchandise, what kind soever they be of, upon pain to forfeit treble the value of every thing, by them, or by any to their use, bargained and bought to sell again, contrary to this present act; (2) and that every such bargain and contract

tract hereafter to be made by them, or by any to their uſe, contrary to this act, ſhall be utterly void, and of none effect; (3) and the one half of every ſuch forfeiture to be to the King our ſovereign lord, and the other half to him that will ſue for the ſame by original writ of debt, bill, plaint, or information in any of the King's courts; in which action or ſuit no wager of law for the defendant ſhall be admitted, nor any eſſoin nor protection allowed.

VI. Provided alway, That if any ſuch ſpiritual perſon or perſons ſhall happen hereafter without fraud or covin to buy any horſes, mares, or mules, to the only intent to occupy for himſelf or his ſervants, to ride to and fro upon his neceſſary buſineſs, or any other cattles or goods, to the only intent and purpoſe at the buying thereof to be employed and put in and about his neceſſary apparel of his own houſe, or of his perſon and ſervants, or in, for, and about the only occupying, manuring, or tillage of his own glebe or demean lands annexed to his church, or for the neceſſary expences of his own houſhold-keeping, and after the buying of any ſuch horſes, cattles, or goods, or exerciſe of them, or any of them, happeneth to miſlike any of them that they ſhould not be good, profitable, nor convenient for any of the purpoſes aboveſaid, for the which they were bought; that then every ſuch ſpiritual perſon or perſons may lawfully bargain and put away ſuch things ſo by him bought, without fraud or covin, for any of the purpoſes aboveſaid at his pleaſure and advantage, this act, or any thing therein contained notwithstanding.

In what caſe a ſpiritual perſon may ſell again the things which he hath bought.

VII. Provided alway, That all abbots, priors, abbeſſes, prioceſſes, provoſts, preſidents, maſters of colleges and hospitals, and all other ſpiritual governors and governeſſes of any ſpiritual monaſteries, or houſes of religion, by what name or names ſoever they be called, having manors, lands, tenements, and hereditaments, and other yearly profits in the right of their monaſteries or houſes, of the yearly value of viii. C. marks, or under, and not above, may uſe and occupy as much and as many of their demean lands, fee-ferms, and fermes, to their moſt advantage, commodity, and profit, to and for the only maintenance of their houſholds and hospitalities, in as ample and large manner as they or any of them, or their predeceſſors, or the predeceſſors of any of them, at any time by the ſpace of one hundred years laſt paſt before the making of this act have done, uſed and occupied; any thing in this preſent act to the contrary notwithstanding.

Certain houſes of religion may keep demefne lands in their hands for the maintenance of their houſes.

VIII. Provided alſo, That every other ſpiritual perſon or perſons, not having ſufficient glebe or demean lands in their own hands in the right of their churches, monaſteries, and houſes for paſtorage of cattle, or for increaſe of corn, to and for the only expences of their houſholders, and for their carriages or journeyes, may take in ferm other lands, and buy and ſell corn and cattle, for the only manurance, tillage, and paſtorage of ſuch fermes, (2) ſo that the increaſe thereof be alway employed

Spiritual perſons may take in ferm for the maintenance of their houſes. a Bulſtr. 18. Savil, 32.

ployed and put to and for the only expences in their households and hospitalities, and not in any wise to buy and sell again for any other commodity, lucre, or advantage, any corn or cattle, renewing, coming, or growing in and upon any such ferme or otherwise, but only the remain and overplus above their expences of their households, if any such shall happen, of the breed and increase thereof, without fraud or covin; any thing in this present act to the contrary hereof notwithstanding.

The penalty
of pluralities.

Crp. El. 601,

853.

1 Leonard,

316.

March 84.

Co. pl. f. 368,

511. b.

Dyer, 237, 255,

347, 351, 377.

4 Co. 75, 78. b.

24 Ed. 3. f. 39.

Vaughan, 131.

2 Roll, 451.

F. N. B. 44 H.

51. L.

Goldsb. 162.

pl. 97.

Any dispensa-

tion contrary

to this statute

shall be void.

Dyer, 352.

Savil, 136.

25 H. 8. c. 21.

Repealed by

1 & 2 Ph. & M.

c. 8. f. 4.

Dyer, 347.

IX. And be it enacted by the authority aforesaid, That if any person or persons having one benefice with cure of soul, being of the yearly value of viii. pound or above, accept and take any other with cure of soul, and be instituted and inducted in possession of the same, that then and immediately after such possession had thereof, the first benefice shall be adjudged in the law to be void.

X. And that it shall be lawful to every patron, having the advowson thereof, to present another, and the presentee to have the benefit of the same, in such like manner and form as though the incumbent had died or resigned, any licence, union, or other dispensation to the contrary hereof obtained notwithstanding. And that every such licence, union, or dispensation had, or hereafter to be obtained contrary to this present act, of what name or names, quality or qualities, soever they be, shall be utterly void, and of none effect.

XI. And if any person or persons at any time after the first day of *April*, in the year of our lord God M.D. and xxx. contrary to this present act, procure and obtain at the court of *Rome*, or elsewhere, any licence or licences, union, toleration, or dispensation, to receive and take any mo benefices with cure than is above limited, or else at any time after the said day put in execution any such licence, toleration, or dispensation, before that obtained contrary to this act, that then every such person or persons, so after the said day suing for himself, or receiving and taking such benefice by force of such licence or licences, union, toleration, or dispensation, that is to say, the same person or persons only, and none other, shall for every such default incur the danger, pain, and penalty of xx.li. sterling, and also lose the whole profits of every such benefice or benefices as he receiveth or taketh by force of any such licence or licences, union, toleration, or dispensation; (2) the one half of which forfeiture to be to the King our sovereign lord, and the other half thereof to him that will sue for the same by original writ, bill, plaint of debt, or information in any of the King's courts; (3) in which action and suit no wager of law, essoin, or protection for the defendant, shall be admitted or allowed.

XII. Provided always, That this act concerning the not keeping of mo benefices with cure of souls than one, extend, ne be prejudicial to any person or persons, which at any time before the said first day of *April*, in the year of our Lord God

M. D.

M. D. and xxx. shall be really intituled or possessed of any such benefices with cure of soul, as concerning or touching any of the same benefices, whereof they shall then be already really intituled or possessed before the said day, to or under the number of four, and not above; (2) and if any such spiritual person or persons so being intituled or possessed of mo benefices with cure of soul than four, do not by the said first day of *April* clearly, and without yearly pension, resign, or otherwise give up all and every such benefice and benefices as he shall be so intituled and possessed of, above the said number, that then it shall be lawful for every patron, having the advowson of any such benefice, over the number aforesaid, to present another, and the presentee to have the benefit of the same, in like manner and form as though it had been void by death, or resignation of the incumbent, any licence, union, or other dispensation to the contrary hereof obtained notwithstanding; (3) and this clause of presentation to be taken and understood in and of such benefices with cure of soul, as were given to any such spiritual person, after the said number of four benefices with cure furnished and fulfilled.

XIII. Provided also, That all spiritual men now being, or which hereafter shall be of the King's council, may purchase licence or dispensation, and take, receive, and keep three parsonages, or benefices, with cure of soul; (2) and that all other being the King's chaplains, and not sworn of his council, the chaplains of the queen, prince, or princess, or of any of the King's children, brethren, sisters, uncles, or aunts, may sem- blably purchase licence, or dispensation, and retain and keep two parsonages and benefices with cure of soul.

XIV. And in like wise, that every archbishop and duke may have six chaplains, whereof every one shall and may purchase licence or dispensation, and take, receive, and keep two parsonages or benefices, with cure of soul.

XV. And that every marquis, and earl, may have five chaplains, whereof every one may purchase licence or dispensation, and take, receive, and keep two parsonages or benefices with cure of soul.

XVI. And that every viscount, and other bishop, may have four chaplains, whereof every one may purchase licence, and receive, have, and keep two parsonages or benefices with cure of soul, as is aforesaid.

XVII. And that the chancellor of *England* for the time being, and every baron, and knight of the garter, may have three chaplains, whereof every one shall now purchase licence or dispensation, and receive, have, and keep two parsonages or benefices with cure of soul.

XVIII. And that every duchess, marchioness, countess, and baroness, being widows, may have two chaplains, whereof every one of them may purchase licence or dispensation, to receive, have, and keep two benefices with cure of soul.

XIX. And that the treasurer, and comptroller of the King's house

They may keep their benefices, which were thereof possessed ann. 1539, except they have above four.
1 Roll. 456,
460, 464, 469,
472.
Godbolt,
41. pl. 47. 153.
pl. 201.
Cro. El. 424.
Regist. 58. b.
Who may purchase licences, and have more benefices with cure of souls than one.
13 Co. 5.

Co. pl. 203.
513.
Cro. El. 723.

4 Co. 73, 89,
117.

1 And. 200.

house, the King's secretary, and dean of his chapel, the King's amner, and the master of the rolls, may have every of them two chaplains; (2) and the chief justice of the King's bench one chaplain; (3) and the warden of the five ports for the time being, one chaplain; whereof every one may purchase licence, and receive, have, and keep two parsonages or benefices with cure of soul.

XX. And that the brethren and sons of all temporal lords, which are born in wedlock, may every of them purchase licence or dispensation, and receive, have, and keep as many parsonages or benefices with cure, as the chaplains of a duke, or an archbishop.

XXI. And likewise the brethren and sons born in wedlock of every knight, may every of them purchase licence or dispensation, and receive, take, and keep two parsonages or benefices with cure of soul.

The chaplains shall shew the letters of their lords or masters.

XXII. Provided always, That the said chaplains so purchasing, taking, receiving, and keeping benefices with cure of soul as is aforesaid, shall be bound to have and exhibit, where need shall be, letters under the sign and seal of the King, or other their lord and master, testifying whose chaplains they be, and else not to enjoy any such plurality of benefices by being such chaplain, any thing in this act notwithstanding.

Doctors and batchelors of divinity and law may by dispensation have two benefices with cure. No dispensation can licence any to have above two benefices.

XXIII. Be it also provided, That all doctors and batchelors of divinity, doctors of law, and batchelors of the law canon, and every of them which shall be admitted to any of the said degrees by any of the universities of this realm, and not by grace only, may purchase licence, and take, have, and keep two parsonages or benefices with cure of soul; (2) so that always the said liberty, by any of the provisions aforesaid given to any of the said counsellors, chaplains, and other persons before specified, to purchase licence or dispensation, and take, receive, and keep more benefices than one, after the manner and form aforesaid, be taken and understood to extend in number to no mo benefices with cure of soul, than is above limited, accounting in the same, and as parcel thereof, such benefices with cure of soul, as any the said persons shall have in real title, or in their possession, at the said first day of *April*, in the year of our Lord M.D. and xxx,

Every archbishop may have eight chaplains, and every bishop four.

XXIV. Provided also, That every archbishop, because he must occupy eight chaplains at consecrations of bishops, and every bishop, because he must occupy six chaplains at giving of orders, and consecration of churches, may every of them have two chaplains over and above the number above limited unto them, whereof every one may purchase licence and dispensation, and take, receive, and keep as many parsonages and benefices, with cure of soul, as is before assigned to such chaplains.

XXV. Provided also, and be it enacted by authority aforesaid, That no person or persons, to whom any number of chaplains, or any chaplain, by any of the provisions aforesaid

is limited, shall in any wise, by colour of any of the same provisions, advance any spiritual person or persons, above the number to them appointed, to receive or keep any mo benefices with cure of soul, than is above limited by this act, any thing specified in the said provisions notwithstanding; (2) and if they do, then every such spiritual person and persons, so advanced above the said number, to incur the pain and penalty contained in this act.

Advancement to more benefices than be appointed by this act.
Savil, 79, 101.
Co. pl. f. 515.
Moor, 561. pl. 763.

XXVI. Be it also further enacted by the authority aforesaid, That as well every spiritual person now being promoted to any archdeaconry, deanry, or dignity in any monastery, or cathedral church, or other church, conventual or collegiate, or being beneficed with any parsonage or vicarage, as all and every spiritual person and persons, which hereafter shall be promoted to any of the said dignities or benefices, with any parsonage or vicarage, from the feast of St. *Michael* the archangel next coming, shall be personally resident, and abiding in, at, and upon his said dignity, prebend, or benefice, or at one of them at the least; (2) and in case that any such spiritual person, at any time after the said feast, keep not residence at one of his said dignities, prebends, or benefices, as is aforesaid, but absent himself wilfully by the space of one month together, or by the space of two months, to be accounted at several times in any one year, and make his residence and abiding in any other places by such time, that then he shall forfeit for every such default x. li. sterling; the one half thereof to the King our sovereign lord, and the other half of the same to the party that will sue for the same in any of the King's courts by original writ of debt, bill, plaint, or information; in which action and suit the defendant shall not wage his law, nor have any essoin nor protection allowed.

Moor, 540. pl. 712.
Moor, 542. pl. 719.
Rast. pla. f. 599.
Savil, 32, 135.
Roll, 90.
What shall be adjudged non-residence, and the penalty thereof.
Cro. El. 590.
663, 719.
Cro. Car. 146.
6 Co. 21.
Lutw. 138.

XXVII. And if any person or persons procure or obtain at the court of *Rome*, or elsewhere, any manner of licence or dispensation to be non-resident at their said dignities, prebend, or benefices, contrary to this act, that then every such person or persons putting in execution any such dispensation or licence for himself, from the said first day of *April*, in the year of our Lord God M. D. and xxx. shall run and incur in the penalty, damage, and pain of xx. li. sterling for every time so doing, to be forfeited and recovered as is above said, and such licence or dispensation so procured, or to be put in execution, to be void and of none effect.

The penalty for procuring of dispensations to be non resident.

XXVIII. Provided alway, That this act of non-residence shall not in any wise extend, ne be prejudicial to any such spiritual person as shall chance to be in the King's service beyond the sea; nor to any person or persons going to any pilgrimage or holy place beyond the sea, during the time that they shall be in the King's service, or in their pilgrimages going and returning home; (2) nor to any scholar or scholars being convertant and abiding for study, without fraud or covin, at any university within this realm, or without; (3) nor to any of the

28 H. 8. c. 13.
What spiritual persons may be discharged of residence, and by what means.
25 H. 8. c. 16.
33 H. 8. c. 28.

chaplains of the King's or Queen's, daily or quarterly attending and abiding in the King's or Queen's most honourable households; (4) nor to any of the chaplains of the prince or princefs, or any of the King's or Queen's children, brethren, or sisters, attending daily in their honourable households, during so long as they shall attend in any of their said households; (5) nor to any chaplain of any archbishop or bishop, or of any spiritual or temporal lords of the parliament, daily attending, abiding, and remaining in any of their honourable households; (6) nor to any chaplain of any duchefs, marquess, countess, viscounts, or baroness, attending daily, and abiding in any of their honourable households; (7) nor to any chaplain of the lord chancellor or treasurer of *England*, the King's chamberlain, or steward of his household for the time being, the treasurer and comptroller of the King's most honourable household for the time being, attending daily in any of their honourable households; (8) nor to any chaplain of any of the knights of the honourable order of the garter, or of the chief justice of the King's bench, warden of the ports, or also of the master of the rolls; nor to any chaplain of the King's secretary, and dean of the chapel, amner for the time being, daily attending and dwelling in any their households, during the time that any such chaplain or chaplains shall abide and dwell, without fraud or covin, in any of the said honourable households; (9) nor to the master of the rolls, or dean of the arches, nor to any chancellor or commissary of any archbishop or bishop; nor to as many of the twelve masters of the chancery, and twelve advocates of the arches, as be, or hereafter shall be spiritual men, during so long time as they shall occupy their said rooms and offices; (10) nor to any such spiritual persons as shall happen by injunction of the lord chancellor, or the King's council, to be bound to any daily appearance and attendance to answer to the law, during the time of such injunction.

See 25 H. 8. c. 16. as to the chaplains of judges, or of the attorney or solicitor general; and 28 H. 8. c. 13. f. 2. as to the students in either university; and 33 H. 8. c. 28. as to chaplains of the officers of the duchy of Lancaster, &c.

The King's licence of non-residence.

XXIX. Provided also, That it shall be lawful to every spiritual person or persons, being chaplains to the King our sovereign lord, to whom it shall please his highness to give any benefices or promotions spiritual, to what number soever it be, to accept and take the same, without incurring the danger, penalty, and forfeiture in this estatute comprised; (2) and that also it shall be lawful to the King's highness, to give licence to every of his own chaplains for non-residence upon their benefices, any thing in this present act contained to the contrary notwithstanding.

No spiritual person beneficed with cure shall take in ferm any parsonage or vicarage.

XXX. And be it further enacted by the authority aforesaid, That no spiritual person, secular or regular, beneficed with cure, as is afore rehearsed, from the feast of St. *Michael* the archangel next coming, by authority of any manner licence, dispensation, or otherwise, shall take any particular stipend or salary to sing for any soul, nor have nor occupy by himself or by any other to his use, any parsonage or vicarage in ferm, of the lease or grant of any person or persons, nor take any profit or rent

rent out of any ſuch ferm, (2) upon pain to forfeit xl. s. for every ſuch week that he, or any to his uſe, ſhall occupy or have any ſuch ſtipend or ferm contrary to this preſent act, and upon pain to loſe ten times the value of ſuch profit or rent as he ſhall take out of any ſuch ferm after the ſaid feaſt; (3) the one half of ſuch forfeitures to be to the King our ſovereign lord, and the other moiety to him that will ſue for the ſame by original writ, bill, plaint of debt, or by information in any of the King's courts, in which ſuit and action no wager of law ſhall be admitted for the defendant, nor any eſſoin nor protection allowed.

XXXI. Provided alway, That no deanry, archdeaconry, chancellorſhip, treaſurerſhip, chanterſhip, or prebend in any cathedral or collegiate church, nor parſonage that hath a vicar indued, nor any benefice perpetually appropriate, be taken or comprehended under the name of benefice, having cure of ſoul in any article afore ſpecified.

Promotions
not account-
ed benefices
with cure.
3 Inſt. 155.

XXXII. Provided alſo, and be it enacted by the authority aforeſaid, That no ſpiritual perſon or perſons, regular or ſecular, of what eſtate, degree or condition ſoever he or they be, from the firſt day of *April* next coming, have, uſe, or keep by him or themſelves, or by any perſon or perſons to his or their uſe or commodity, any manner of tan-houſe or tan-houſes, to be uſed or occupied to his or their own uſe, commodity, or behoof; (2) nor from the ſaid firſt day of *April* next coming, ſhall have, uſe, or keep any manner of brew-houſe or brew-houſes, to any other uſe, intent, or behoof, than only to be ſpent and occupied in his or their own houſes. (3) upon pain to forfeit for every month ſo uſing and occupying any of the ſaid mysteries or occupations, x. li. (4) The one moiety thereof to the King our ſovereign lord, and the other moiety to him that will ſue for the ſame, by original writ, bill, plaint of debt, or information in any of the King's courts, in which action and ſuit no wager of law ſhall be admitted for the defendant, ne any eſſoin nor protection allowed.

No ſpiritual
perſon ſhall
keep a tan-
houſe or
brew-houſe.

XXXIII. Provided alway, That every duchefs, marqueſs, counteſs, baroneſs, widows, which have taken, or that hereafter ſhall take any husbands under the degree of a baron, may take ſuch number of chaplains, as is above limited to them being widows; and that every ſuch chaplain may purchaſe licence to have and take ſuch number of benefices with cure of ſoul, and have like liberty of non-reſidence, in manner and form as they might have done, if their ſaid ladies and miſtreſſes had kept themſelves widows; any thing in this preſent act contained to the contrary notwithstanding.

The chaplains
of a duchefs,
&c. which
have taken
husbands.

XXXIV. Provided alway, That every ſpiritual perſon or perſons having lands, tenements, or other poſſeſſions in the right of their houſes, above the yearly value of eight hundred marks, may keep and retain in their occupation and manurance, as much of their ſaid lands and tenements, and other poſſeſſions, as ſhall be neceſſary and ſufficient for paſſurage of

Spiritual per-
ſons may keep
ſufficient of
their own
land to main-
tain their
houſes.

of their cattle, and for tillage of corn, to be employed and ſpent for the only maintenance, ſuſtentation, and keeping of his or their houſholds, and hospitalities without fraud or covin, any thing in this preſent act to the contrary thereof notwithstanding.

A Spiritual perſon may take a dwelling houſe with an orchard or garden for his dwelling. Goldsb. 169. pl. 190. 3 Cro. 590.

XXXV. Provided alway, That it may be lawful to every ſpiritual perſon or perſons to take in ferm any meſſes, manſions, or dwelling-houſes, having but only orchards or gardens, in any city, borough, and town, for their own habitation or dwelling, any thing in this act to the contrary notwithstanding; (2) ſo that no perſon ſpiritual, other than be above provided for, for their non-reſidence, have any liberty of non-reſidence by colour of this proviſo. *Enforced by 25 H. 1. c. 21. which is revived by 1 Eliz. c. 1.*

C A P. XIV.

Rep. 28 H. 8. c. 4.

Of what length and breadth every whole piece and half piece of dowlas and lockeram, brought into this realm, ſhall be.

C A P. XV.

Fermors ſhall enjoy their leaſes againſt recoveries by feigned titles, &c.

13 Co. 6.
1 Roll, 443.

WHERE afore this time divers perſons have made leaſes of their manors, lands, tenements, and other hereditaments, ſometime by their indentures and ſometime without writings, to other perſons for term of years, taking of them great fines for the incomes of the ſame leaſes; and after the ſame leaſors, their heirs, or aſſigns, have cauſed and ſuffered recoveries to be had againſt them in the court of our ſovereign lord the King, and in other lords courts, upon feigned and untrue titles, by craft or covin to put the ſame termers from their ſaid terms; (2) and after ſuch recoveries had, the ſame recoverees, by reaſon of ſuch recoveries and judgments, have entered into the ſame manors, lands, tenements, and other hereditaments ſo to ferm letten, and thereof have expulſed the ſaid fermers, contrary to their ſaid leaſes, covenants, and agreements; (3) and becauſe it was doubted to ſome perſons, whether the ſaid termers might falſify ſuch recoveries, or not:

3 Bulſt. 245,
248.

11 Co. 33.
2 Leon. 65.
Tenant for term of years may falſify a feigned recovery had againſt him in the reversion. 6 Ed. 1. ſtat. 1. c. 11.

II. Be it therefore enacted by the King our ſovereign lord, by the aſſent of the lords ſpiritual and temporal, and the commons in this preſent parliament aſſembled, and by the authority of the ſame, That all ſuch termers, ſhall and may falſify for his term only ſuch recoveries, as well heretofore had, as hereafter to be had, in ſuch wiſe and form as a tenant of a freehold ſhall and may do by the courſe of the common law, where ſuch tenant of freehold was neither privy nor party to the ſame recovery.

III. And that the ſame termers, their executors and aſſigns, notwithstanding ſuch recoveries ſo had, ſhall retain, hold, and enjoy their ſaid terms, according to their ſaid leaſes againſt all ſuch recoverees, their heirs, and aſſigns, as they ſhould or might have done againſt the ſaid leſſors, if ſuch recovery had not

not been had ne suffered; and that the said recoverers, their heirs, and assigns, after such recovery so had, (2) shall have like remedy against the said termers, their executors, or assigns, by avowry or action of debt, for the rents and services reserved upon the same leases, being due after the same recoveries; (3) and also like actions against them for waste done, after the same recoveries so had; in like manner and form, as the said lessors should or might have had, if the same recoveries had never been had.

The remedy of the recoverers against tenant for rent or waste.

IV. And also be it further enacted by the authority aforesaid, That no manner of statute of the staple, statute merchant, nor execution by *Elegit*, be hereafter avoided, or in any wise made frustrate, by means of any such feigned recovery; (2) but that all persons having any lands, tenements, or other hereditaments in execution, or being intituled, to have execution of any manors, lands, or tenements by any such means, shall have by force of this statute like remedy to avoid and falsify the same recoveries, as before is ordained and provided for the lease for term of years.

No statute or execution by *Elegit* shall be avoided by a feigned recovery.

Co. Lit. 104.b. Pigot, Rec. 18, 19, 50, 51.

C A P. XVI.

Touching artificers strangers, what they may do as concerning retaining apprentices, journeyemen, &c.

PRAYEN the commons in this present parliament assembled, That where in the xv. day of February, in the xx. year of the reign of our now most gracious sovereign lord the King, Henry the Eighth, by our said sovereign lord the King, his most honourable council in his star-chamber at Westminster, for the common wealth of his natural subjects born within this his realm, by great and deliberate advice it was deemed, adjudged, and decreed, That no stranger artificer, born out of our said sovereign lord his obedience, inhabiting within any city, borough, or any other place within this his realm of England, from henceforth should keep in his or their house or houses, any manner of strangers servants born out of his obedience, but only two servants strangers, and no more at one time.

No stranger artificer inhabiting within any city or other place, shall keep in his house but two strangers born.

Rep. 5 El. c. 4. Hutt. 132.

II. And also all and singular strangers that then were, or after the making of the said decree should be made denizens, that at the time or after the making thereof would inhabit within the city of London, suburbs, or within two miles compass of the same, and keep or would keep houses, or occupy their craft, should be contributories to and with our said sovereign lord his subject artificers within the said city of London, paying, bearing, and sustaining such charges as hereafter shall be expressed, that is to say, that all other strangers, artificers, denizens or no denizens, of every handicraft or mystery, inhabiting as well within the city of London, as in any other city, town, borough, or village within this his realm, should pay, bear, and sustain all such and like charges, as our said sovereign lord his subjects of like craft and mystery do always use to pay.

Aliens house-keepers shall bear such charges as the King's subjects do.

III. And if any of them refused, or denied the same, or any part thereof, then he or they so denying, or refusing so to do, should not any longer occupy any handicraft, upon the pains, damages, and perils specified,

14 & 15 H. 8. c. 2. 1 R. 3. c. 9. s. 11.

cised, as well in the acts or statutes made in the xiv. and xv. years of the reign of our now sovereign lord, as in one statute made in the first year of the reign of King Richard the Third.

IV. And that the same strangers, denizens or no denizens, householders, which would remain and abide within our said sovereign lord his realm, should upon lawful warning to them given, by the masters and wardens of divers and sundry mysteries, mentioned and specified in the said decree, within the said cities and towns, present themselves in the common-hall or meeting-place of the said crafts, and there to receive, and take their oath, and be sworn upon the holy evangelists, before the master and wardens of their said craft, to be faithful and true to the King our sovereign lord, and his heirs, Kings of England, and to be obedient to him and them, and his and their laws.

Aliens shall be sworn to be true to the King, to obey him and his laws.

V. Also that no stranger, artificer, or handicraftsman, born out of our said sovereign lord his obeisance, not being denizen, which was not a householder the fifteenth day of February abovesaid, should not set up ne keep any house, shop or shops, or chamber, wherein they should exercise or occupy any handicraft or mystery within this our said sovereign lord his realm, upon pain to incur and run into such penalties as be contained in the statutes before this time made and enacted, as is aforesaid.

Aliens shall not assemble in conventicles, but in their halls.
1 R.3.c.9.

VI. And that none of the said strangers artificers, or handicraftsmen, born out of our said sovereign lord his obeisance, as well denizens, as no denizens, should assemble in any company, fellowship, congregation, or conventicle, but only in the common-hall of their crafts, with our said sovereign lord his subjects which be of the companies of their said craft or crafts, at such time as they should be commanded and warned by the said masters and wardens of their said craft or crafts, and at none other place and time, or in any other manner, upon the pain afore expressed: as by the said decree shewed and exemplified, and hereunto annexed, under our said sovereign lord the King his great seal, more plainly, and at large, it may and doth appear.

The foresaid decree made by the lords in the star-chamber confirmed.

VII. That for the common wealth abovesaid, it may be enacted by the King our sovereign lord, the lords spiritual and temporal, and the commons in this present parliament assembled, and by the authority of the same, That the said order and decree, had, given, and made by our said sovereign lord the King his most honourable council, and all and every thing therein contained, specified, and declared, be holden and observed firm and stable, and duly to be put in execution in every point and article, in manner and form as is above rehearsed, according to the purport, effect, and true meaning of the same.

The statute made 14 & 15 H.8.c.21 touching strangers artificers taking of apprentices made perpetual.

VIII. Be it furthermore enacted by the authority aforesaid, That the act made in the parliament begun at London the fifteenth day of April, in the fourteenth year of the reign of our said sovereign lord the King that now is, and from London adjourned to Westminster the last day of July, in the fifteenth year of the reign of our said sovereign lord, concerning strangers artificers, for the taking of apprentices, journeymen, and covenant servants, and every article and provision contained in the same act, shall be from henceforth put in due execution, according

ording

cording to the true intent, meaning, and purport of the ſame, as well within the city of *London*, as in all other cities, boroughs, and towns corporate within this realm, and the ſame to endure perpetually, any thing contained in the ſaid act or decree to the contrary notwithstanding.

IX. Provided always, That no artificer, alien or ſtranger, born out of the King's obeiſance, being a houſholder, or inhabiting within any of the univerſities of *Oxford* and *Cambridge*, or within the ſanctuary of *St. Martin le Grand*, within the city of *London*, ſhall from henceforth have or retain in their ſervice journeymen or apprentices, being aliens or ſtrangers born, above the number of ten perſons at one time, upon pain of the penalty contained in the ſaid act, made in the ſaid fourteenth and fifteenth year of our ſaid ſovereign lord; the proviſions contained or ſpecified in the ſame act notwithstanding.

No alien dwelling in Oxford, Cambridge, or Great St. Martins ſhall have above x. perſons aliens in his houſe.
3aH.8.c.16.

The decree made in the ſtar-chamber for artificers ſtrangers, by the King's moſt honourable council, the twentieth day of February, in the twentieth year of the reign of our ſovereign lord King Henry the Eighth.

X. HENRICUS Octavus Dei gratia Angliæ & Franciæ Rex fidei deſenſor, & Dominus Hiberniæ: omnibus ad quos præſentes literæ pervenerint, ſalutem. Inſpeximus quoddam breve noſtrum, de certiorand' Thomæ Eliot clerico conſilii noſtri direct. & in ſilaciis cancellar. noſtræ reſiden. in hæc verba: dilecto ſibi Thomæ Eliot armigero, clerico conſilii noſtri, ſalutem. Volentes certis de cauſis certiorari ſuper tenore cujuſdam finalis decreti coram nobis & conſilio noſtro habit. de & ſuper executione quorundam ſtatutorum & ordinationum contra alienigen' exercentes artes & artificia manualia, inhabitantes infra regnū noſtrum Angliæ edit. & proviſ. tibi præcipimus, quod tenorem finalis decreti prædict' cum omnibus cum tangentibus nobis in cancellar. noſtram ſub ſigillo tuo diſtincte & aperte, ſine dilatione, mittas, & hoc breve. Teſte meipſo apud Weſtmonaſt. xiv. die Aprilis, anno regni noſtri xx. (2) Inſpeximus etiam quoddam decretum per nos & conſilium noſtrum apud Weſtmonaſt. in Camera ſtellata redditum, & in ſilaciis ejuſdem cancellar. ſimiliter reſiden' in hæc verba.

XI. **W**Here of late our true and faithful ſubjects, artificers, and handicraftſmen, born under our obeiſance, inhabiting within our city of *London*, and the ſuburbs of the ſame, exhibited unto us a lamentable bill of complaint, containing, That notwithstanding many good and neceſſary ſtatutes and acts of parliament have been publiſhed, ordained, and made, and eſpecially one in the firſt year of King *Richard* the Third, and the other being made in the firſt year of the reign of our deareſt father of noble memory, *Henry* the Seventh, late King of this our realm, and in the fourteenth and fifteenth year of our reign, concerning the ſtrangers artificers and handicraftſmen, born out of our obeiſance, uſing and exerciſing handicrafts within this our realm of *England*, as well for the reſtraining of the exceſſive number and unreaſonable behaviour of the ſame ſtrangers artificers born out of our obeiſance, which continual reſort and repair into this our ſaid realm daily increaſed, to the great

The ſupplication and complaint made by artificers of *London* to the King, of ſeveral wrongs and oppreſſions done to them by ſtrangers born.

' great detriment of our own natural subjects, artificers of the
 ' fame handicrafts and mysteries, and of other fundry incon-
 ' veniences, by occasion that divers of the said subjects, for lack
 ' of occupation, fall into idleness, as also for the reformation of
 ' fundry deceits and falsehoods practised by the said strangers arti-
 ' ficers in their said handicrafts, to the great damage and loss of
 ' us, and of all our said natural subjects: (2) The said strangers
 ' artificers nothing pondering or dreading the said statutes, ne
 ' the penalties in the same contained and expressed, cease not con-
 ' temptuously, as well to abuse the said statutes, as most part
 ' intirely to infringe and break the same, and to accumulate from
 ' time to time more offences and enormities, as well against our
 ' prerogative, as to the detriment of the common wealth of this
 ' our realm, and our loving subjects of the same; (3) for when any
 ' search shall be made in every handicraft within any city, town,
 ' or borough corporate within our said realm, by our subjects the
 ' said wardens, and others ordained by the said last act of handi-
 ' craftsmen within any city, town, or borough corporate, and
 ' one housholder stranger born out of our obeisance, inhabit-
 ' ing within our said city, town, or borough corporate, using
 ' any handicraft, be he denizen or not denizen; the said stranger
 ' being, a housholder, as before is said, being lawfully warned
 ' and required thereunto, according to the said act, either will
 ' refuse to do his duty therein, or else he will give secret warning
 ' thereof to his brethren of the said crafts, whereby they have
 ' not only conveyed and hid all their unlawful, untrue, subtil,
 ' and deceitful wares, which they untruly, subtilly, unsubstan-
 ' tially, and deceitfully have made, and daily make, and utter to
 ' our subjects at excessive and unreasonable prices, to the great
 ' detriment and damages of our said subjects; but also their ser-
 ' vants and apprentices they have hid from the knowledge of the
 ' said wardens, when any such search hath happened to be made,
 ' and so they defraud the same good and honourable statute and act;
 ' so that thereof no lawful punishment could, can, might, or may
 ' ensue, according to the tenor, purport, and effect of the said
 ' statute; (4) but they contemn, despise, and set at nought the
 ' same, whereby, and by the other unlawful means aforesaid, and
 ' others, as subtilly sending and conveying over the sea, bacon,
 ' cheese, powdered beef, mutton, and other commodities within
 ' this our realm, not only within, and out of the said cities, towns,
 ' and boroughs corporate, but also within, and out of other places
 ' throughout our realm, by them the said strangers practised and
 ' executed, whereby they daily increase in great riches, and in
 ' great multitude in numbers of strangers handicraftsmen born
 ' out of our obeisance; (5) and when they have gathered much
 ' riches and money, they against our laws convey the same money
 ' over the sea; and then they also go over the sea into their coun-
 ' tries, and there purchase their lands and tenements with part
 ' thereof, and with the residue of the same they live thereby, and
 ' sometime they convert part thereof to the use of our enemies
 ' in those parts; (6) and so as well our poor subjects cordwainers,
 ' and

The manifold
 and several
 wrongs which
 strangers do
 to this whole
 realm, and to
 many mem-
 bers thereof.

and also our subjects handicraftsmen, born within our obeisance, by the means aforesaid, be sore impoverished, diminished, and almost utterly decayed and destroyed, and many of them, for lack of occupation in the said handicrafts, be constrained to live in idleness, by occasion whereof they do continually fall to theft, murder, and other great offences, and consequently in great numbers be put to death by our laws, as we be informed; (7) and also the great scarcity of grain and victual at this present time throughout this our realm, to be the more enforced and caused, by reason of the great multitude, and continual recourse of the said strangers handicraftsmen, which consume a great portion of corn and victual, grown and bred within this our realm; (8) the premisses considered, to the intent to be thereof more perfectly and truly instructed, for the charitable zeal that we have to the common weal of our realm, and our said subjects of the same, and for the quietness of the said strangers, we have assigned, and given in commandment to our lords, and others of our council, indifferently to examine the premisses, and as well to hear the said complainants as the said defendants, and their allegations and sayings of, in, and to the premisses, and to every part thereof, and the same by them heard, examined, and by good deliberate advice understood, to ordain, adjudge, and decree the same, after their wisdoms and learning; whereupon as well the said bill of complaint, the answer of the said defendants thereunto made, the replication of the said complainants to the said answer also made, and all other allegations and sayings of both the said parties, by mature and deliberate advice, by our said council ripely examined, heard, and understood:

XII. 'It is ordained, adjudged, and decreed, the x day *February*, in this present term of St. *Hilary*; in the xx. year of our reign, in our star-chamber, by the most reverend father in God *Thomas* lord cardinal legate *de latere* of the apostolick see, archbishop of *York*, primate and chancellor of *England*, and by our nobles and others of our said council, and by the mutual assents of the complainants and defendants then there being, in manner and form following; that is to say, That according to the act of parliament made in the said xiv. and xv. year of our reign, That no stranger artificer born out of our obeisance, inhabiting within any city, town, or borough, or any other place within this our realm of *England*, from thenceforth shall keep in his or their house or houses, any manner of servants strangers born out of our obeisance, but only two strangers servants, and no more at one time; (2) and that as many of the strangers artificers now inhabiting within any city, town, or borough corporate, or in any other place within our realm, that will be apprentices or servants to or with any of our subjects artificers born within our obeisance, exercising new or old stuff, inhabiting within our realm, shall be suffered so to abide and dwell with them without interruption, as long as they will so continue and abide with them, and can agree together.

XIII. 'And

Strangers artificers may take Englishmen to be their apprentices.
5 El.c.4.

What charges strangers shall be contributory unto with the English artificers.

XIII. ' And furthermore it is decreed, That it shall be lawful to all and every of the said strangers artificers, now being householders within our said realm, to take as many of our subjects born within our obeisance to be their servants and apprentices, in the craft that they do exercise, as they can lawfully get; and that all the strangers artificers, now being householders within our said city of *London*, suburbs, parishes, or compass thereof expressed in the said statutes, or within two miles compass of the said parishes;

XIV. ' And also all and singular strangers that now be, or hereafter shall be made denizens, that do or hereafter will inhabit within our said city of *London*, suburbs, or parishes aforesaid, or within two miles compass of the same, and keep houses, and occupy their craft; shall be contributory to and with our subjects artificers within our city of *London*, paying, bearing, and sustaining such charges as hereafter shall be expressed; that is to say, as well every of the said strangers, being of the craft and mystery of cordwainers, householders, or denizens that now be, or hereafter shall be made denizens, and shall inhabit within our said city, suburbs, parishes, or two miles compass of the same, shall quarterly pay to the said master, wardens, and commonalty of the said craft of cordwainers within our said city of *London* for the time being, vi. d. (2) And every servant stranger of the said occupation of the said cordwainers within the said city, suburbs, and precinct, not being denizen, shall quarterly pay to the said masters, wardens, and commonalty, iii. d. (3) And that all other strangers artificers and denizens of every handicraft and mystery, inhabiting as well within our said city of *London*, as in any other city or town within this our realm, shall pay, bear, and sustain all such and like charges as our subjects of like craft and mystery born out of our obeisance, inhabiting within the city, borough, or town of their habitation, at this time do now bear and sustain.

XV. ' And also all strangers artificers, and denizens, exercising the craft and mystery of cordwainers, dwelling out of our said city of *London*, in any other city or town within this our realm, shall pay, bear, and sustain, scot, taxes, tallages, subsidies, prefts, and all other reasonable exactions from time to time, according as the said masters, wardens, and companies of the said crafts for the time being, shall be bounden to pay, bear, and sustain, when any subsidy, tax, tallage, or preft, or other reasonable charges shall by the mayor and aldermen of our said city of *London*, and the mayors and aldermen of our said other cities, and towns, or by the common council of the said city, cities, and towns, of and for any charges or payments of money, to be paid by the companies of the said crafts, citizens of any city, for any payment to be made unto the King's highness, or his heirs, or else to be paid for any cause concerning the common wealth of any of our said cities or towns, or common wealth of the said artificers, the said strangers shall pay all the same that they shall be assessed or taxed to pay, as

' con-

contributories with the said companies, being our subjects, as our said subjects shall be assessed, and taxed to pay; (2) and if any of them deny or refuse the same, or any part thereof, then he or they denying or refusing so to do, shall not only lose the benefit of this decree, but also shall not any longer occupy any handicraft, upon the pains, dangers, and perils specified in the above remembered acts and statutes.

XVI. And that as well all and every of the said householders, strangers aforesaid, as all other strangers artificers, made or to be made denizens, that shall be householders, and inhabit and occupy any craft within our said city, suburbs, or two miles compass of the same, as long as they shall remain and abide within the said city, suburbs, and two miles compass of the same, being reasonably required and warned by the wardens and other persons, governors in any city, town, or borough corporate of the said crafts, within any of our said cities or towns corporate, or by any of them for the time being, or by their lawful deputies or deputy, shall go with the said wardens or other governors, there as no wardens be, to make search according to the above remembered acts of parliament made in the xiv. and xv. year of our reign; (2) which if they refuse to do, and that proved before the chancellor of *England*, or before the mayor of *London*, and other cities, before the chief persons of the said cities or towns for the time being, that then the same householders or householder so offending, denying, or refusing the same, shall no longer the same his occupation exercise or use within this our realm, upon pain, peril, and danger expressed in the above remembered acts and statutes.

XVII. And that the same strangers artificers, denizens or not denizens, householders, which will remain and abide within our said realm, shall, upon lawful notice to them given by the master and wardens of their craft, or one of them, personally present themselves in the common hall or meeting-place of their said crafts within our said cities and towns, there as they be inhabiting, and then or there every of them to receive and take their oaths, and be sworn upon the holy evangelists, before the said master and wardens of their said craft and mystery within our said cities and towns corporate, to be faithful and true to us and to our heirs Kings of *England*, and to be obedient to us and them, and to our and their laws, and to all acts, ordinances, and decrees made and confirmed by us and our council, or by our council, and duly and truly at all times, when they shall be appointed by the wardens of their fellowship, craft, or mystery for the time being, or their deputies, to make search with them according to the purport, tenor, or effect of an estatute and act of parliament made in the xiv. and xv. year of our reign, and have warning and monition thereof by the said wardens, or any of them, or any other their sufficient deputy or deputies in that behalf to them given and made, and that they shall be ready to go with the said wardens to make the same search, and that they shall not give notice to any stranger of the

Penalty of a stranger refusing to be contributory to lawful charges with his company.

Strangers artificers shall go with the wardens of the same company to make search.

The oath of all strangers to be true to the king, and obedient to his laws, and to make searches, &c.

‘ said search, until they with the said wardens come together to
 ‘ make the said search, and that they shall well, indifferently, and
 ‘ truly behave them in the same, setting all affection, favour, ma-
 ‘ lice, and dread of any creature, and all fraud and deceit apart,
 ‘ So help them God and all saints, and by the holy evangelist.
 ‘ (2) And their oath so received in form aforesaid, the said stran-
 ‘ gers shall pay for their admission according as our said subjects
 ‘ have always used to pay.

No strangers,
 but denizens,
 shall keep
 house or shop.

XVIII. ‘ It is also further decreed, That no stranger artificer
 ‘ or handicraftsman born out of our obeisance, not being denizen,
 ‘ which at the day of the making of this decree is not a householder
 ‘ within this our realm, or keepeth any shop or shops within
 ‘ the said city and suburbs, or any other city, town, or bo-
 ‘ rough within this our realm, shall from that day forward set
 ‘ up or keep any house, or shop, or chamber within our city
 ‘ of *London*, suburbs, or parishes before rehearsed, or within
 ‘ any other city, town, or borough, or village within this our
 ‘ realm, wherein he shall exercise and practise any handicraft or
 ‘ mystery, upon pain to incur and run in such penalties as be con-
 ‘ tained in the statutes before this time made and enacted. (2) And
 ‘ that none of the said strangers artificers or handicraftsmen, born
 ‘ out of our obeisance, as well denizens as other, shall assemble in
 ‘ any company, fellowship, congregation, or conventicle, but
 ‘ only in the common hall of their crafts, with our subjects which
 ‘ be of the company of their said craft or crafts, at such time as
 ‘ they shall be commanded and warned by the master and war-
 ‘ dens of the said craft or crafts, and at none other place or
 ‘ time, or in any other manner, upon pain afore expressed.

Strangers shall
 not assemble,
 but in the
 common halls
 of their my-
 steries.

XIX. ‘ Provided alway, That this decree, and every part
 ‘ thereof concerning the craft and mystery of cordwainers, shall
 ‘ extend as well to them that work old stuff, as new, within our
 ‘ city of *London*, the suburbs of the same, or in any other city,
 ‘ town, borough, or village within this realm of *England*.

XX. ‘ Provided also, That notwithstanding any words com-
 ‘ prised in this decree, the strangers artificers, denizens or not
 ‘ denizens, inhabiting in the universities of *Oxford* and *Cam-*
 ‘ *bridge*, and within the sanctuary of *Saint Martin's le Grand* within
 ‘ the city of *London*, shall enjoy all the benefits and advantages re-
 ‘ served unto them by reason of any provision made by act of
 ‘ parliament expressed in the statute made in the xiv. and xv. year
 ‘ of our reign; so that the said strangers, denizens or not denizens,
 ‘ inhabiting within the said sanctuary of *Saint Martin's le Grand*,
 ‘ be conformable to such direction and order as shall be taken by
 ‘ the reverend father in God *Cuthbert* bishop of *London*, *Sir Ri-*
 ‘ *chard Brooke* knt. chief baron of our exchequer, *Sir John More*
 ‘ knight, one of the justices of our bench, *Sir John Dauncy*, and
 ‘ *Sir John Aleine* knights, to whom we have of late directed
 ‘ our letters patents, and by the same given them power and
 ‘ authority, and commanding them, and every of them, to cause
 ‘ the house of every stranger and denizen, artificer, inhabiting,
 ‘ and dwelling within the said sanctuary, to be searched and
 ‘ viewed;

A commission
 granted to cer-
 tain persons to
 assign how ma-

viewed, how many ſervants he or they keep born out of our ny ſervants a
 obedience, and they being all viewed and ſeen, then to appoint ſtranger ſhall
 to every of the ſaid ſtrangers houſholders, inhabiting within Great St.
 the ſaid ſanctuary, by them in form aforeſaid ſo tried, to be Martin's.
 within the bounds and limits of the ſaid ſanctuary, ſuch num- 3 El. c. 4-
 ber of ſervants ſtrangers born out of our obedience, as they by
 their diſcretions ſhall think convenient and ſufficient, and not to
 be any detriment unto our ſubjects inhabitants within our ſaid
 city.

XXI. And commanding in our name all and every of the
 ſaid ſtrangers, denizens, houſholders, that they from hence-
 forth do not keep within their houſes, nor any other houſe, ſhop,
 or chamber within our ſaid city of London, or the ſuburbs of the
 ſame, any mo ſervants being born out of our obedience, than
 ſhall be to them at the time by them appointed, as they will
 avoid the danger and penalty of our laws; and what they have
 done in the premiſſes, that they do certify to us and to our coun-
 cil into our Star-chamber at Weſtmiſter, at the xv. day of
 Eaſter next coming. In witneſs whereof we will as well the
 ſaid decree as all other the premiſſes, ſhall be exemplified un-
 der our ſeal.'

*Nos autem tenorem brevis & decreti predicti ad requiſitionem ma-
 giſtri & gardianorum artis ſive myſterii alutariorum ſive cordwainers
 London' duximus exemplificand' per preſentes. In cujus rei testi-
 monium has literas noſtras fieri fecimus patentis. Teſte meipſo apud
 Weſtmonaſt' viceſimo die Aprilis anno regni noſtri viceſimo.*

CAP. XVII.

An act for the adnulling of the letters patents made to the city
 of York concerning ſhipping of wools.

CAP. XVIII.

No perſon ſhall ſhip, load, or unload any goods, to be ſold
 into or from any ſhip at any place within the river of Tine,
 between the places called Sparhawk and Hedwinſtremes, but
 only at the town of Newcaſtle. The mayor, burgeſſes, and
 commonalty of Newcaſtle, and their ſucceſſors, may pluck
 down all wears, gores, engines, that ſhall be made in the
 haven between the places aforeſaid.

CAP. XIX.

*Avowries ſhall be made by the lord upon the land, without
 naming his tenant.*

WHERE as well the noblemen of this realm, as divers other The reaſon
 perſons, by fines, recoveries, grants, and ſecret feoffments, and cauſe of
 and leaſes made by their tenants to perſons unknown, of the lands and making this
 tenements bolden of them, have been put from the knowledge of their ſtatute.
 tenants, upon whom they ſhould by order of the law make their avowries Stiles, 4.
 for their rents, cuſtoms, and ſervices, to their great loſſes and hin- Moor, 870.
 drances:

1 Leon. 301.
 Moor, 883.
 An avowry
 may be made
 by the lord
 upon the land
 holden of him
 without nam-
 ing his tenant.
 2 Mod. 103.
 Avowry in se-
 cond delive-
 rance.
 27 H. 8. f. 4. 20.
 9 Co. 22, 36,
 136.
 Co. Lit. 268. b.
 312. a.
 The avowant
 shall recover
 damages and
 costs of suit.
 Dyer, 141.
 Bro. damages,
 16.
 2 Roll. 37, 140,
 212.
 March, 28.
 1 Salk. 95.
 2 Cr. 520.

II. Be it therefore enacted, established, and ordained by authority of this present parliament, That wheresoever any manner lands, tenements, and other hereditaments be holden of any manner person or persons, by rents, customs, or services, that if the lord, of whom any such manner lands, tenements, or hereditaments be so holden, distrain upon the same manors, lands, or tenements, for any such rents, customs, or services, and replevin thereof be sued, that the lord of whom the same lands, tenements, or hereditaments be so holden, may avow, or his bailiff or servant make conisance, or justify, for taking of the said distresses upon the same lands, tenements, or hereditaments so holden, as in lands or tenements within his fee or seigniory, (2) alledging in the said avowry, conisance and justification, the same manors, lands, and tenements to be holden of him, without naming of any person certain to be tenant of the same, and without making any avowry, justification, or conisance upon any person certain; (3) and likewise the lord, bailly, or servant to make avowry, justification, or conisance in like manner and form upon every writ sued of second deliverance.

III. And also be it enacted by the said authority, That every avowant, and every other person or persons that make any such avowry, justification, or conisance, as bailly or servant to any person or persons in any replegiare, or second deliverance, for rents, customs, services, or for damage feasant, or other rent or rents, upon any distress taken in any lands or tenements, if the same avowry, conisance, or justification be found for them, or the plaintiffs in the same be nonsuit, or otherwise barred, that then they shall recover their damages and costs against the said plaintiffs, as the same plaintiffs should have done or had, if they had recovered in the replegiare, or second deliverance found against the said defendants.

Like pleas and
 aid-prayers as
 at the common
 law.

IV. And be it also ordained, That the said plaintiffs and defendants in the said writs of replegiare, or writs of second deliverance, and in every of them, shall have like pleas, and like aid-prayers in all such avowries, conisances, and justifications (pleas of disclaimer only except) as they might have had before the making of this act, and as though the said avowry, conisance, or justification had been made after the due order of the common law.

Like joinder
 in aid as at
 the common
 law.

V. And it is further enacted by the said authority, That all such persons as by the order of the common law may lawfully join to the plaintiffs or defendants in the said writs of replegiare, or second deliverance, as well without process as by process, shall from henceforth join unto the said plaintiffs or defendants, as well without process as by process, and to have like pleas, and like advantages in all things (disclaimer only except) as they might have done by the order of the common law before the making of this act.

21 Geo. 2. c. 19.

C A P. XX.

The preſident ſhall be aſſociate with the chancellor, &c. in examination and puniſhing of riots, &c. 16 Car. 1. c. 10.

C A P. XXI.

The ſtatute made 14 & 15 H. 8. c. 3. concerning worſted weavers in *Yarmouth* and *Lynn*, rehearſed and continued until 26 H. 8. c. 16. the next parliament.

Statutes made at *Weſtmiſter*, Anno 22 HEN. VIII.
and *Anno Dom.* 1530.

Statuta bonum publicum concernentia edita in parlamento tento apud *Westmonaſterium* decimo ſexto die Januarii, anno regni præpotentiſſimi & metuendiſſimi Angliæ & Franciæ Regis, fidei deſenſoris, & domini Hiberniæ, HENRICI octavi, viceſimo ſecundo, poſt diverſas prorogationes ejuſdem parlamenti primo inchoati apud Londinum tertio die Novembris anno viceſimo primo ejuſdem regis, & inde adjurnati & prorogati uſque ad *Westmonaſterium*, & ibidem continuati per quadraginta quatuor dies, videlicet uſque ad decimum ſeptimum diem Decembris; & ab eodem die & loco uſque ad viceſimum ſextum diem Aprilis proxime ſequentis; & ab eo die uſque ad viceſimum ſecundum diem Junii, & ab illo die ad primum diem Octobris & a primo die Octobris uſque ad viceſimum ſecundum diem ejuſdem menſis, & ab illo die uſque ad decimum ſextum diem Januarii ſecundum leges terræ rite prorogati, & ibidem continuati per ſeptuaginta quinque dies, videlicet, ad ultimum diem Martii eodem anno viceſimo primo, & inde ulterius prorogati uſque ad decimum tertium diem Octobris proxime ſequentis.

C A P. I.

No perſon during ten years next enſuing ſhall buy any wool growing in the counties of *Berkſhire*, &c. viz. eighteen counties, before the *Aſſumption* of our Lady next after the ſhearing of the ſame, but ſuch as will make cloth or yarn thereof, upon pain of forfeiture of the double value thereof. No ſtranger ſhall buy any wool before the *Purification* of our Lady next after the ſhearing thereof, upon the pain aforeſaid.

C A P. II.

An act for trial of foreign pleas pleaded by felons.

WHERE among other things it was conſidered by the whole court of parliament of our moſt excellent ſovereign lord the King, holden in the fourth year of his noble reign, That murderers and felons, lawfully arraigned of their deteſtable offences, bare them bold upon imagining and pleading of feigned and untrue foreign pleas triable in foreign counties, to the intent to be removed from place to place by colourable and untrue ſuggeſtions, and for to be untruly acquit by favour, might or corruption, ſo that they lived in manner without fear or dread: (2) For reformation whereof, and for the common wealth of this realm, it was enacted by authority of the ſame parliament, That if any murderer or felon, upon his

The inconveniences enſuing the allowance of a felon to plead a plea triable in a foreign county.

4 H. 8. c. 2.

arraigned.

arraignment from thence did alledge, that he had taken any church or church-yard, for murther or felon, or other place privileged for the same in a foreign country, and againſt his will was taken out thereof: that then the King's attorney, or any other perſon that will ſhew or alledge for the King, that the ſaid murtherer or felon ſo arraigned, was taken at large in the ſame ſhire where he is ſo arraigned, then that the ſame allegiance and iſſue ſhould be tried by the inqueſt that ſhould try the ſame murther or felony within the ſame ſhire, and before the ſame juſtices where the ſaid murtherer or felon is arraigned, as though the ſaid foreign plea had not been pleaded by the ſaid felon. (3) And that if it were found by the ſame inqueſt, that the ſaid murtherer or felon was taken within the ſame ſhire, as is aforeſaid, that then he to have no advantage or benefit of the matter alledged by him for taking out of the church or church-yard, or other place privileged in any ſuch foreign ſhire, (4) and that the ſaid act ſhould endure to the next parliament from then enſuing, as by the ſame act made in the ſaid fourth year manifeſtly appeareth. (5) And forasmuch as ſith the time of expiration of the ſaid act made in the ſaid fourth year, many abominable murthers, as well of prieſts as of other perſons, robberies of church, and robberies of perſons in their houſes, as well by day as by night, and other moſt deteſtable murthers and felonies, have been committed and done within this realm, and the moe, and more often, becauſe that the ſaid ſtatute hath been expired and ended, from and ſince the beginning of the parliament of our ſaid ſovereign lord bolden in the ſixth year of his moſt noble reign:

So much of the ſtat. of 4 H. 8. c. 2. as toucheth the plea pleaded by a felon that he was taken in a foreign county out of ſanctuary, made perpetual.

II. It is ordained and enacted by authority of this preſent parliament, That the ſaid act made in the ſaid fourth year, and every thing therein contained concerning the ſaid foreign pleas, and replications thereunto to be made, and trials thereof, ſhall now be revived, and ſhall ſtand in full force and effect, and ſhall continue and endure from henceforth for ever, as if the ſame act had been originally made perpetual and not determinable.

2 & 3 Ph. & M. c. 19.

C A P. III.

For Plumſted marſh.

C A P. IV.

For exactions not to be levied on apprentices.

What exactions ſhall be levied on apprentices by maſters, wardens, &c.

AT the prayer of the commons in this preſent parliament aſſembled, reciting, That where it was eſtabliſhed and enacted, in the nineteenth year of our late ſovereign lord King Henry the Seventh, That no maſter, wardens, and fellowſhip of craftes, or any of them, nor any rulers of guilds or fraternities, take upon them to make any acts or ordinances, ne to execute any acts or ordinances by them heretofore made, or hereafter to be made, in diſinheritance or diminution of the prerogative of the King, nor of other, nor againſt the common profit of the people, but if the ſame acts or ordinances be examined or approved by the chancellor, treaſurer of England, or chief juſtice of either bench, or three of them, or before the juſtices of oſſize in their

their circuit or progreſs, in the ſhire where ſuch aſts or ordinances be made, upon pain of forfeiture of xl. li. for every time that they do the contrary, as more plainly in the ſaid aſt doth appear: (2) ſith which time divers wardens and fellowſhips have made aſts and ordinances, that every apprentice ſhall pay at his firſt entry in their common hall, to the wardens of the ſame fellowſhip, ſome of them xl. s. ſome xxx. s. ſome xx. s. ſome xiii. s. iv. d. ſome vi. s. viii. d. ſome iii. s. iv. after their own ſiniſter mind and pleaſure, contrary to the meaning of the aſt aforeſaid, and to the great hurt of the King's true ſubjects putting their child to be apprentice: (3) Be it therefore ordained, eſtabliſhed, and enacted by the King our ſovereign lord, by the advice of the lords ſpiritual and temporal, and of the commons, in this preſent parliament aſſembled, and by authority of the ſame, That no maſter, wardens, or fellowſhips, of crafts, or maſters, or any of them, nor any rulers of fraternities, take from henceforth of any apprentice, or of any other perſon or perſons, for the entry of any apprentice into their ſaid fellowſhip, above the ſum of ii. s. 6. d. nor for his entry, when his years and term is expired and ended, above iii. s. iv. d. (4) upon pain of forfeiture of xl. li. for every time that they do to the contrary; the one half to the King our ſovereign lord, the other half to the party that therefore ſhall ſue by action of debt, information, or otherwiſe; and that in the action aforeſaid no protection or eſſoin ſhall be allowed.

A rehearſal of the ſtatute of 19 H. 7. c. 7. and how it is abuſed.

The fees of wardens of companies for the entry of an apprentice or freeman into their company.

Enforced and farther provided for by 28 H. 8. c. 5.

CAP. V.

For bridges and high-ways.

BE it enacted by the King our ſovereign lord, and the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, That the juſtices of peace in every ſhire of this realm, franchise, city, or borough, or four of them at the leaſt, whereof one to be of the *quorum*, ſhall have power and authority to enquire, hear, and determine in the King's general ſeſſions of peace, of all manner of annoyances of bridges broken in the high-ways, to the damage of the King's liege people, and to make ſuch proceſs and pains upon every preſentment afore them for the reformation of the ſame, againſt ſuch as owen to be charged for the making or amending of ſuch bridges, as the King's juſtices of his bench uſe commonly to do, or as it ſhall ſeem by their diſcretions to be neceſſary and convenient for the ſpeedy amendment of ſuch bridges.

A remedy to repair decayed bridges in highways, and by whom. 13 Co. 33. Poph. 192. 2 Inſt. 700. Juſtices of peace may award proceſs againſt them who ought to repair bridges.

II. *And where in many parts of this realm it cannot be known and proved what hundred, riding, wapentake, city, borough, town, or pariſh, nor what perſon certain, or body poliſtick, ought of right to make ſuch bridges decayed, by reaſon whereof ſuch decayed bridges, for lack of knowledge of ſuch as owen to make them, for the moſt part lie long without any amendment, to the great annoyance of the King's ſubjects,*

This aſt is enforced by 1 Ann. ſtat. 1. c. 18. ſo far as not altered by that ſtatute.

III. For the remedy thereof, be it enacted by authority aforesaid, That in every such case the said bridges, if they be without city, or town corporate, shall be made by the inhabitants of the shire or riding within the which the said bridge decayed shall happen to be; (2) and if it be within any city or town corporate, then by the inhabitants of every such city or town corporate wherein such bridges shall happen to be; (3) and if part of any such bridges so decayed happen to be in one shire, riding, city, or town corporate, and the other part thereof in another shire, riding, city, or town corporate, or if part be within the limits of any city, or town corporate, and part without, or part within one riding, and part within another; that then in every such case, the inhabitants of the shires, ridings, cities or towns corporate shall be charged, and chargeable to amend, make and repair such part and portion of such bridges so decayed as shall lie and be within the limits of the shire, riding, city, or town corporate, wherein they be inhabited at the time of the same decays.

The justices may tax the inhabitants with the assent of the constables.

IV. And be it further enacted, That in every such case where it cannot be known and proved, what persons, lands, tenements, and bodies politick owen to make and repair such bridges, that for speedy reformation and amending of such bridges, the justices of peace within the shires or ridings wherein such decayed bridges been out of cities and towns corporate, and if it be within cities or towns corporate, then the justices of peace within every such city or town corporate, or four of the said justices at the least, whereof one to be of the *quorum*, shall have power and authority within the limits of their several commissions and authorities, to call before them the constables of every town and parish, being within the shire, riding, city, or town corporate, as well within liberty as without, wherein such bridges, or any parcel thereof shall happen to be, or else two of the most honest inhabitants within every such town or parish in the said shire, riding, city or town corporate, by the discretion of the said justices of peace, or four of them at the least, whereof one to be of the *quorum*; (2) and at and upon the appearances of such constables or inhabitants the said justices of peace, or four of them, whereof one to be of the *quorum*, with the assent of the said constables or inhabitants, shall have power and authority to tax and set every inhabitant in every such city, town, or parish within the limits of their commissions and authorities, to such reasonable aid and sum of money, as they shall think by their discretions convenient and sufficient for the repairing, re-edifying, and amendment of such bridges; (3) and after such taxation made, the said justices shall cause the names and sums of every particular person so by them taxed, to be written in a roll indented: (4) And shall also have power and authority to make two collectors of every hundred, for collection of all such sums of money by them set and taxed; which collectors, receiving the one part of the said roll indented under the seals of the said justices shall

By 1 Ann. stat. 1. c. 18. sessions of the peace may tax the several townships, &c.

ſhall have power and authority to collect and receive all the particular ſums of money therein contained; and to diſtrain every ſuch inhabitant as ſhall be taxed and reſuſe payment thereof, in his lands, goods, and chattels, and to ſell ſuch diſtreſs, and of the ſale thereof retain and perceive all the money taxed, and the reſidue (if the diſtreſs be better) to deliver to the owner thereof; (5) and that the ſame juſtices, or four of them, within the limits of their commiſſions and authorities, ſhall alſo have power and authority to name and appoint two ſurveyors, which ſhall ſee every ſuch decayed bridge repaired and amended from time to time, as often as need ſhall require, to whoſe hands the ſaid collectors ſhall pay the ſaid ſums of money taxed, and by them received; (6) and that the collectors and ſurveyors and every of them, and their executors and adminiſtrators, and the executors and adminiſtrators of them, and every of them, from time to time, ſhall make a true declaration and accompt to the juſtices of peace of the ſhire, riding, city, or town corporate, wherein they ſhall be appointed collectors or ſurveyors, or to four of the ſame juſtices whereof one to be of the *quorum*, of the receipts, payments, and expences of the ſaid ſums of money: (7) and if they or any of them reſuſe that to do, that then the ſame juſtices of peace, or four of them, from time to time, by their diſcretions, ſhall have power and authority to make proceſs againſt the ſaid collectors and ſurveyors, and every of them, their executors and adminiſtrators, and the executors and adminiſtrators of every of them, by attachments under their ſeals, returnable at the general ſeſſions of peace, (8) and if they appear, then to compel them to account as is aforeſaid; or elſe if they or any of them reſuſe that to do, then to commit ſuch of them as ſhall reſuſe, to ward, there to remain without bail or mainprize, till the ſaid declaration and accompt be truly made.

Two collectors of every hundred.

The juſtices ſhall appoint two who ſhall repair the bridge.

The collectors and ſurveyors ſhall accompt to the juſtices.

V. And where any bridge or bridges lien in one ſhire or riding, and ſuch perſons inhabitants, bodies politick, lands, or tenements, which owen to be charged to the making and amending of ſuch bridges, lien and abiden in another ſhire or riding, or where ſuch bridges been within any city or town corporate, and the perſons inhabitants, bodies politick, lands, or tenements, that owen to make or repair any ſuch bridges, lien and been out of the ſaid cities and towns corporate; be it enacted, That in every ſuch caſe the juſtices of peace of the ſhire, city, or town corporate, within the which ſuch decayed bridges, or any part thereof ſhall happen to be, ſhall have power to enquire, hear and determine all ſuch annoyances, being within the limits of their commiſſions or authorities; (2) and if the annoyance be preſented, then to make proceſs into every ſhire within this realm, againſt ſuch as owen to make or amend any ſuch bridges ſo preſented before them to be decayed, to the annoyance and let of the paſſage of the King's ſubjects, and to do further in every behalf in every ſuch caſe, as they might do by authority of this act, in caſe that the perſons

The juſtices may make proceſs into every ſhire againſt offenders,

Sheriffs, &c.
may ſerve
proceſs upon
the offenders.

ſons or bodies politick, lands, or tenements, which owen to be charged to the amending or making of ſuch bridges, or any part thereof, were in the ſame ſhire, riding, city, or town corporate, where ſuch annoyance ſhall happen to be. (3) And that all ſheriffs, and bailiffs of liberties and franchises, ſhall truly ſerve and execute ſuch proceſs, as ſhall come to their hands from the ſaid juſtices of peace afore whom any preſentment ſhall be had for any ſuch annoyance, according to the tenor and effect of the ſaid proceſs to them directed, without favour, affection, or corruption, upon pain to make ſuch fine, as ſhall be ſet upon them or any of them by the diſcretion of the ſaid juſtices.

The five ports
excepted.

VI. Provided alway, That this act, or any thing therein contained, be not prejudicial to the liberties of the five ports, or members of the ſame. And for reformation of annoyances of bridges within the ſaid ports and members.

VII. Be it enacted by authority of this preſent parliament, That the warden, mayors, and bailiffs elected, and jurates of the ſame ports, and every of them, have power and authority to enquire, hear, and determine all manner of common annoyances of bridges within the ſame ports and members, and to make ſuch proceſs, pains, taxation, and all other things within the ſame ports and members, as the juſtices of peace may do in other ſhires or places out of the ſame ports, by virtue and authority of this preſent act in every behalf.

Allowance
made to the
ſurveyors and
collectors.

VIII. And be it further enacted by the authority aforeſaid, That the juſtices of peace, or four of them, ſhall have full power and authority to allow ſuch reaſonable coſts and charges to the ſaid ſurveyors and collectors, as by their diſcretions ſhall be thought convenient.

An order for
the mending
of the ways at
the ends of
bridges.

IX. Forasmuch that albeit bridges decayed were amended and repaired according to the tenor of this act, yet nevertheless, if speedy remedy for the amendment of the ways next adjoining to every of the ends of such bridges should not be had and made, the King's subjects should take little or none avail or commodity in many parts of this realm by the making of the bridges : (2) In conſideration whereof, be it enacted by the King our ſovereign lord, and the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, That ſuch part and portion of the highways in every part of this realm, as well within franchise as without, as lie next adjoining to the ends of any bridges within this realm, diſtant from any of the ſaid ends by the ſpace of three hundred foot, be made, repaired, and amended as often as need ſhall require; (3) and that the juſtices of the peace in every ſhire of this realm, franchise, city, or borough, or four of them at the leaſt, whereof one to be of the *quorum*, within the limits of their commiſſions and authorities, ſhall have power and authority to enquire, hear, and determine in the King's general ſeſſions of peace, all manner of annoyances of and in ſuch highways, ſo being and lying next adjoining to any ends of bridges within this realm, diſtant from

from any one of the ends of such bridges three hundred foot, and to do in every thing and things concerning the making, repairing, and amending of such highways, and every of them, in as large and ample manner, as they might and may do, to and for the making, repairing, and amending of bridges, by virtue and authority of this present act.

CAP. VI.

If any butcher keep a tan-house, he shall forfeit vi. s. viii. a day. Rep. 1 Jac. 1. c. 22.

CAP. VII.

Whosoever shall convey any horses, geldings, mares, or sheep, to any parts beyond the sea, without the King's licence (saving for the victualling of Calais) shall forfeit xl. s. for every poll. Exp. 1 El. c. 12. 37 H. 8. c. 23. 11 H. 7. c. 13. 1 Ed. 6. c. 5. 5 El. c. 19.

CAP. VIII.

For denizens strangers to pay strangers customs.

PRAYEN the commons, in this present parliament assembled, That where in a parliament holden at Westminster the seventh day of November, in the first year of the reign of our late sovereign lord of famous memory, King Henry the Seventh (whose soul God pardon) it was ordained, established, and enacted, by authority of the said parliament, That every person made, or after the making of the said act to be made denizen, should pay of his merchandises like custom and subsidy as he ought or should pay afore that he were made denizen, any letters patent, or other ordinances by parliament or otherwise, to the contrary notwithstanding; (2) which statute and ordinance was only made for custom and subsidy to be paid to the said late King, and to our now sovereign lord; (3) sithen which time divers grants have been made to divers, as well merchant strangers, as other aliens born out of this realm, to be denizens, whereby they have and enjoy such freedoms and liberties, as do denizens born within this realm, being our said sovereign lord the King's natural born subjects, whereof there is no small number, and every day increase more and more, by the which the said aliens, to their lucre and avail, been increased to great and notable substance and riches, and the natural subjects of our said sovereign lord and his realm greatly impoverished, and after they be so enriched, for the most part convey themselves, with their said goods, to their own country wherein they be naturally born, to the great detriment of the common weal of this realm of England, and the subjects of the same; (4) it may therefore please your highness, of your most good and loving disposition, that ye bear and owe to the common weakth of this your realm, by the advice of your lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, to ordain, enact, and establish, That every person or persons, whatsoever they be, born out of this realm of England, out of the King's obedience, made or hereafter to be made denizen, do pay to your grace, and to your heirs, and to all and every other person and persons, of what estate, degree, or condition he or they be, and to all and singular officers and ministers of cities, boroughs, and towns as they did within

Denizens shall pay like customs as they did before they were denizens. 1 H. 7. c. 2.

Aliens born, made denizens, shall pay all such customs and other duties as they did within

before.

11 H. 7. c. 14.
25 Car. 2. c. 6.
f. 1. and 2.

within this realm of *England*, and to every of them, all fuch subsidies, customs, tolls, duties, and other fums of money, for their wares, merchandifes, and other whatfoever goods, by whatfoever name or names the faid subsidies, customs, tolls, duties, and other fums of money, or any of them, be named or called, as they fhould or ought to have paid before they were denizens, any grant or grants to them made, or hereafter to be made, or any act or acts, ftatute, or ordinance to the contrary made or had notwithstanding.

A table of
cuſtoms, tolls,
and duties,
ſhall be ſet up
in every city,
borough, or
town.

II. Provided alway, That all and ſingular officers and miniſters of every city, borough, or town, wherein any ſuch cuſtom, tolls, duties, or fums of money ſhall be demanded, as is aboveſaid, on this ſide the feaſt of *Pentecoſt* next coming, ſhall ſet up, or cauſe to be ſet up, in open place and places of every ſuch city, borough, or town, a table, or tables, by which the certainty and every duty of every ſuch cuſtom, toll, and duty, or ſum of money, of ſuch wares, and merchandifes, to be demanded or required, as is above rehearſed, ſhall and may plainly appear, and be declared, to the intent that nothing be exacted otherwiſe than in old time hath been uſed and accuſtomed, (2) upon pain of every city not doing the ſame, to loſe v. l. and every town corporate to loſe xl. s. for every month that the ſame table ſhall fail to be ſet up after the ſame feaſt; the moiety of which forfeiture to be to the King our ſovereign lord, and the other moiety to the party that will ſue for the ſame, by writ, bill, plaint, or information, (3) in which action the defendant ſhall have no eſſoin, wager of law, ne protection allowed.

The mer-
chants of the
ſtiyard.

III. Provided alway, and be it enacted by the authority aforeſaid, That this act, ne any other act or acts made or to be made in this preſent parliament concerning the premiſſes be not in any wiſe prejudicial or hurtful unto the merchants of the *Hans of Almain*, nor to any of them, having the houſe within the city of *London*, commonly called *Guild-halſa Theutonorum*, otherwiſe called the merchants of the *Stiyard* in *London*, nor to their goods or merchandifes, by whatfoever name or names they or any of them be called, but that they, and every of them, ſhall have and enjoy all ſuch liberties, franchiſes, customs, and privileges, as they had the firſt day of this preſent parliament; any thing or things ſpecified in this act, or in any other act or acts, made or to be made in this preſent parliament notwithstanding.

The table of
ſcavage to be
ſet up in Lon-
don ſhall be
examined, &c.

Provided alway, That the tables ſo to be ſet up in the city of *London*, touching ſcavage within the ſame, ſhall firſt be viewed, examined, and approved by the chancellor, and treaſurer of *England*, the preſident of the King's council, the lord privy ſeal, the lord ſteward of the King's moſt honourable houſhold, and the two chief juſtices of the King's bench and common pleas for the time being, or by four of them at the leaſt, and by them ſubſcribed.

CAP. IX.

Wilful poiſoning ſhall be adjudged high-treaſon, and the offender therein ſhall be boiled to death.

Rep. 1 Ed. 6.

c. 12.

3 Inſt. 48.

CAP. X.

An act concerning outlandiſh people, calling themſelves Egyptians.

FORASMUCH as before this time divers and many outlandiſh people calling themſelves Egyptians, uſing no craft nor feat of merchandiſe, have come into this realm, and gone from ſhire to ſhire, and place to place in great company, and uſed great, ſubtil, and crafty means to deceive the people, bearing them in hand, that they by palmeſtry could tell men's and women's fortunes, and ſo many times by craft and ſubtilty have deceived the people of their money, and alſo have committed many heinous felonies and robberies, to the great hurt and deceit of the people that they have come among :

Enforced by

1 & 2 Ph. & M.

c. 4.

4 & 5 El. c. 20.

II. Be it therefore by the King our ſovereign lord, the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by the authority of the ſame, ordained, eſta bliſhed, and enacted, That from henceforth no ſuch perſon be ſuffered to come within this the King's realm ; and if they do, then they and every of them ſo doing, ſhall forfeit to the King our ſovereign lord all their goods and chattels, and them to be commanded to avoid the realm within fifteen days next after the commandment, upon pain of imprifonment ; and it ſhall be lawful to every ſheriff, juſtice of peace, and eſcheator, to ſeiſe to the uſe of our ſovereign lord, his heirs and ſucceſſors, all ſuch goods as they or any of them ſhall have, and thereof to make account to our ſaid ſovereign lord in his exchequer ; and if it ſhall happen any ſuch ſtranger hereafter to commit within this realm any murder, robbery, or any other felony, and thereof be indicted, and arraigned, and to plead not guilty, or any other plea triable by the country, that then the inqueſt that ſhall paſs between the King and any ſuch party, ſhall be altogether of *Engliſhmen*, albeit that the party ſo indicted pray *Medietatem linguæ*, according to the ſtatute of *Anno 8 Henrici VI.* or any other ſtatute thereof made.

III. Provided alway, That the *Egyptians* now being in this realm, have monition to depart within ſixteen days after proclamation of this ſtatute among them ſhall be made, upon pain of imprifonment, and forfeiture of their goods and chattels ; and if they then ſo depart, that then they ſhall not forfeit their goods nor any part thereof, this preſent ſtatute notwithstanding.

IV. Provided alway, That every ſuch perſon or perſons, which can prove by two credible perſons, before the ſame party that ſeiſeth ſuch money, goods, or chattels, of the ſame *Egyptians*, that any part of the ſame goods, money, or chattels, were craftily or feloniously taken or ſtolen from him, ſhall be incontinent reſtored unto the ſame goods, money, or chattels, whereof he maketh ſuch proof before the ſame party, that ſo ſeiſeth the

the ſame money, goods, or chattels, upon pain to forfeit to the ſame party, that maketh ſuch proof, the double value of the ſame by action of debt, bill, or otherwiſe, in any of the King's courts to be ſued, upon which action and ſuit he ſhall not be admitted to wage his law, nor any protection or eſſoin to be allowed; any thing in this act to the contrary notwithstanding.

V. Provided always, and be it further enacted, That if any juſtice of peace, ſheriff, or eſcheator, which by authority of this act, have power to take or ſeiſe any goods or chattels of any *Egyptians*, at any time hereafter do ſeiſe, or take the goods or chattels of any ſuch *Egyptians*, that then every ſuch juſtice, ſheriff, or eſcheator, doing the ſame, ſhall have, keep, and retain to his own uſe, the moiety of all ſuch goods ſo by him ſeiſed; and of the other moiety ſo by him taken or ſeiſed, ſhall make answer and account to the King in his exchequer, according to the tenor of this preſent act; any thing in the ſame act contained to the contrary hereof notwithstanding: and that upon any account hereafter to be made for the ſaid other moiety of the ſame goods, the accountant ſhall pay no manner of fees or other charges, for his account or diſcharge to be had in the King's exchequer, nor elſewhere.

C A P. XI.

An act concerning powdike in marſh-land.

a & 3 Ph. & M.
C. 12.

WHERE tofore this time divers evil-diſpoſed perſons, of their perverse and evil diſpoſition, maliciously, at divers and ſundry times have cut, caſt down, and broken up divers parts of the dike called the new powdike in marſh-land in the county of Norfolk, and the broken dike, otherwiſe called Oldfield dike, by marſh-land in the iſle of Ely within the county of Cambridge; by reaſon whereof, as well by the great abundance of the ſalt water, as alſo by the courſe of the freſh water entring and coming into and by the ſaid parts of the ſaid ditches ſo broken and caſt down, the ground and paſtures within the country of marſh-land in the counties aforeſaid, have been divers and many times drowned and ſurrounded with the waters aforeſaid, ſo that no profit thereof might be taken by the owners and occupiers of the ſaid ground and paſtures within marſh-land aforeſaid; by the drowning whereof the ſaid owners and occupiers of the ſaid ground, and the inhabitants within the ſaid marſh-land, and the level of the ſame, at many and ſundry times have been not only put to importunate charges and expences, to their extreme damages and coſts, but alſo, to their great undoing, have loſt much of their cattle and beaſts, then being and paſturing upon and within marſh-land aforeſaid, to their great damage and loſs, and to the great decay of the common weal of the countries adjoining to the ſame; and alſo by reaſon of the ſame waters much people have been drowned in their beds within their houſes, and have loſt the moſt part of their goods being within the ſame: (2) for the reformation whereof be it ordained, enacted, and eſtabliſhed by the King our ſovereign lord, by the aſſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by the authority of the ſame,
That

That every such perverse and malicious cutting down and breaking up of any part or parts of the said dikes, or of any other bank, being parcel of the rind and uppermost part of the said country of marsh-land aforesaid, made for the defence and salvation of the same country of marsh-land, at every time and times from henceforth by any person or persons committed and done, otherwise than in working upon the said banks or dikes, for the repairing, fortifying, and mending of the same, be taken, reputed, and adjudged felony; and that the offenders and doers of the same, and every of them, be adjudged and reputed felons. (3) And that the justices of the peace of the said counties of *Norfolk* and *Cambridge*, within the said isle, at every of their sessions within the same isle and counties to be kept, by the authority aforesaid have full power to cause enquiry to be made of every such offence, so at any time, in form aforesaid, hereafter to be committed and done, and to award like process against every of the said offenders, with like judgment and execution of the same, if they or any of them be thereof found guilty by verdict or otherwise, as the said justice hath used and accustomed to do upon other felonies, being felony at the common law.

Cutting down or breaking up of dikes in marsh-land is felony.

Justices of the peace to enquire of offenders, and award process, &c.

CAP. XII.

An act directing how aged, poor, and impotent persons, compelled to live by alms, shall be ordered, and how vagabonds and beggars shall be punished.

THE justices of peace in every county, dividing themselves into several limits, shall give licence under their seals to such poor, aged, and impotent persons to beg within a certain precinct, as they shall think to have most need: and if any do beg without such licence, or without his precinct, he shall be whipped, or else be fet in the stocks three days and three nights, with bread and water only. And a vagabond taken begging shall be whipped, and then sworn to return to the place where he was born, or last dwelt by the space of three years, and there to put himself to labour.

27 H. 8. c. 25.
1 Ed. 6. c. 3.
14 El. c. 5.
35 El. c. 7.
39 El. c. 4.
Rep. 21 Jac. 2.
c. 28.

CAP. XIII.

For bakers, brewers, surgeons, and scriveners, not to be accounted handicrafts.

WHERE divers statutes penal heretofore have been made against strangers artificers for exercising of handicrafts within this realm, and for keeping of houses, apprentices, and servants strangers, as by the said several statutes more plainly is rehearsed; sithen the making whereof, beer brewers, and bakers, which been common victuallers, and also surgeons, and scriveners, being strangers, inhabited and dwelling within this realm, have been put to trouble, and great vexation, by occasion of informations brought against them upon the said statutes, supposing that strangers using baking, brewing, surgery, or writing, should be handicraftsmen; upon the which information great doubts and ambiguities have risen, whether strangers using any

1 R. 3. c. 9.
14 & 15 H. 8.
c. 2.
21 H. 8. c. 16.

What persons shall not be accounted handicraftsmen.

No ftranger being a common baker, brewer, furgeon, or fcrivener, fhall be accounted an handicraftfman.]

of the faid myfteries or fciences, fhould be underftood fuch handicraftfmen as were intended by any of the faid ftatutes; (2) for plain declaration whereof be it enacted by the King our fovereign lord, and the lords fpiritual and temporal, and the commons, in this prefent parliament affembled, and by authority of the fame, That no perfon or perfons ftrangers, being a common baker, brewer, furgeon, or fcrivener, fhall be interpreted or expounded handicraftfmen, in, for, or by reafon of ufing any of the faid myfteries or fciences of baking, brewing, furgery, or writing; (3) and that all informations, fuits, actions, and procefs had, taken, or hereafter to be taken upon any of the faid ftatutes, againft any fuch ftranger or ftrangers, being bakers, brewers, furgeons, or fcriveners, fhall be by authority of this prefent act void and of none effect.

C A P. XIV.

For abjurations and fanctuaries.

In what manner perfons committing petty treafon fhall abjure.

By how many means abjurations of offenders out of this realm hath been prejudicial to this realm.

The oath of him which abjureth.

THE King our fovereign lord confidering, that many of his fubjects heretofore for their offences and merits, have been put to execution of death by the laws of this realm, and many other committing like offences, for tuition of their lives, have fled and reforted to churches, and other hallowed places within this realm, and there being, have abjured the realm before the King's coroners of the fame; (2) divers of which men (fo abjuring) have been known to be very expert mariners, and many other have been feen, to be very able and apt men for the wars, and defence of this realm, fo that by the one mean, and the other, the ftrength and power of this realm is greatly minifhed. (3) And divers of the faid perfons which heretofore have abjured this realm, being by reafon of their abjurations in outward realms and countries, have not only procured many men of the fame to the exercife and praife of archery, and have inftituted them in the feat and knowledge thereof, to the great increafe and fortifications of the fame outward realms and countries, but alfo the fame abjured perfons have difclofed their knowledges of the commodities and fecrets of this realm, to no little damage and prejudice of the fame: (4) the King's highnefs therefore daily ftudying and devising to provide for the fafeguard of this his realm, and of his fubjects, albeit they be trangreffors of his laws, fo that the incommodities infuing upon fuch abjurations to be preferred to the beft effect as far as fhall please God to give them grace; hath ordained and enacted by authority of this prefent parliament, That if any perfon hereafter flie or refort to any parifh church, cemetery or other like hallowed place, for tuition of his life, by occafion of any murder, robbery or other felony by the fame perfon committed, and thereupon confefs any murder, felony or other offence before the coroner, wherefore the fame perfon by the laws of this realm heretofore ufed fhould abjure and pals out of the fame: the fame perfon thereupon fhall abjure from all his liberty of this realm, and from his liberal and free habitations, reforts and paffages to and fro the univerfal places of this realm, which appertain to the liberty of the King's

King's ſubjects undefamed, and ſhall forthwith be directed by the coroner, taking and recording ſuch abjuration, to any one ſanctuary being within this realm, which the ſame perſon will elect and chooſe, there to remain as a ſanctuary-perſon abjured, during his natural life, and to be ſworn afore the coroner upon his abjuration ſo to do, and to be burned in the hand, according to the ſtatute in that caſe provided: (5) And every ſuch perſon ſo abjured ſhall be directed and conveyed to the ſame ſanctuary by him choſen, by the conſtables and other officers, and in every behalf ordained after the like manner and form as he ſhould have been in caſe he ſhould have abjured this realm for any murder or felony after the laws of the land. (6) And if after ſuch abjuration any perſon ſo abjured come out of the ſame ſanctuary to the which he was aſſigned, and be taken without the ſame ſanctuary, not having the King's ſpecial pardon or licence ſo to do: then every ſuch perſon abjured, and after abjuration taken without ſanctuary whereunto he was aſſigned, ſhall ſuffer ſuch like pain of death, and after like manner be ordered, as he ſhould have done and been in caſe he had abjured this realm for murder or felony, and after ſuch abjuration had returned again into this realm, contrary to the laws of this land.

St. 21 H. 8. c. 2.
Every abjured
perſon ſhall be
conveyed to
the ſanctuary
that he doth
chooſe.
Rep. 1 Jac. 14
c. 25.
& 21 Jac. 1.
c. 28.

II. And furthermore it is enacted, That if any ſuch ſanctuary-perſon ſo abjured, or any other perſon or perſons, which now be, or is, or hereafter ſhall happen to be in any ſanctuary of this realm, for doing any petty treason, murder or felony, or for being acceſſary to any ſuch offences: or if any perſon or perſons, which at any time hereafter ſhall take any ſanctuary of this realm, for doing any petty treason, murder or felony, or for being acceſſary to any ſuch offences, or upon abjuration, and ſo being in ſanctuary for, or upon any ſuch cauſe, matter or offence, afterward commit or do any petit treason, murder, or felony within the ſame ſanctuary, or be acceſſary to any ſuch offences, or go out of the ſame ſanctuary, and commit any petty treason, murder or felony, or be acceſſary to any ſuch offences, and after come again to the ſame ſanctuary, or take any other ſanctuary for the ſame, every ſuch perſon and perſons being indicted for any of the ſaid cauſes or offences, ſhall loſe the privilege of the ſame ſanctuary by him taken, and of every other ſanctuary within this realm for any ſuch cauſe of petty treason, murder, felony or abjuration, and for any acceſſary to any ſuch offences: (2) and that it ſhall be lawful to all and ſingular juſtices of the peace, and the high ſheriff of the county, or other place where the ſanctuary is, and to all and ſingular mayors, ſheriffs and bailiffs of cities and towns corporate, where ſuch ſanctuary is, and to every of them, and to the ſervants, miniſters and officers, or any, or every of the ſame juſtices of peace, ſheriffs, mayors and bailiffs, in their preſence to take out of the ſame ſanctuary or ſanctuaries all and every ſuch ſanctuary-perſon or perſons ſo offending as is aforeſaid, and being indicted of the ſame; (3) and to commit or put him or them into the King's gaol within the ſhire or liberty where any ſuch indictment is

If a ſanctuary-
perſon do
commit any
felony, he
loſeth the
privilege of
ſanctuary.

In what caſe
an offender
may be taken
out of ſanctuary,
and committed to the
gaol.

found against any such person, safely to be kept till they shall be of the same petty treason, murder or felony, or of the accessory to any such offences whereof they shall happen to be indicted, convicted, attainted, or discharged by the law. (4) And if any person or persons which shall be indicted of any petit treason, murder or felony, or of any accessory to any such offence, happen hereafter to be taken out of any sanctuary for the same, by authority of this statute, and upon his or their arraignment plead sanctuary, according to the order of the law: then it is enacted by the authority aforesaid, That as well the King's attorney, as every other person for the King, shall be admitted to object and allege, that the person so arraigned, afore the doing of the offence or offences whereof he then is arraigned, did take privilege of sanctuary in the same sanctuary whereof he allegeth him to be taken out, or in any other place privileged within this realm, upon any abjuration, or for any other petty treason, murder or felony, then whereof he is arraigned, and that he there had and enjoyed privilege of sanctuary for the same, and that he so having once privilege of sanctuary in the same, did commit the offence of petit treason, murder or felony whereof he then is arraigned: or that he went out of the said sanctuary, and committed the same offence whereof he is indicted and arraigned, and pray that such persons so arraigned may be excluded of restitution to the sanctuary by him demanded. (5) And in case the said plea and objection so alleged, be denied by the person so arraigned, then it is farther enacted by the authority aforesaid, That it shall be forthwith tried afore the same justices, where such person is so arraigned, and by the same jurors of the same county that shall try the petty treason, murder or felony whereof he is arraigned, without farther delay, in whatsoever county or counties, place or places of this realm the same other taking of sanctuary shall be alleged or objected to be done or had. (6) And if the plea so objected against the said person arraigned, be tried against him by verdict of twelve men, or by his own confession, and also it be found by verdict of twelve men, or by his own confession, according to the order of the law, that he is guilty of the petty treason, murder, felony, or of any accessory to any such offence whereof he is so arraigned; that then like judgment and execution shall be given and done upon every such person as though he had been no sanctuary person, nor had claimed or required the privilege of the same. (7) And if any such person be lawfully acquitted of the petty treason, murder or felony whereof he shall be so indicted and arraigned, then he shall be restored to the same sanctuary out of the which he was taken there to have the privilege of the same, in like manner as he had before.

Trial in one county of a foreign plea pleaded in another.
3 Inst. 27.

In what case a sanctuary-person indicted of felony supposed to be committed whilst he was

III. Provided alway, That if any person being or abiding in any sanctuary as a sanctuary-person hereafter, shall happen to be indicted for any manner of felony supposed to be committed by him or her going out of the same, or any other sanctuary, and committing the same felony whilst that he or she was so a sanctuary-person, he or she being indicted of such felony supposed

poſed to be done without the ſanctuary, ſhall not be taken out in ſanctuary, of the ſanctuary wherein the ſame perſon ſhall then be reſident, ſhall be taken out. before that he or ſhe be examined thereof by two of the King's moſt honourable council, or by four juſtices of peace of the ſhire where the ſanctuary is, wherein the perſon ſo indicted is reſident. (2) And if the ſame perſon ſo indicted within four days after the firſt examination do make ſuch proof as the ſaid examiners by their diſcretion ſhall think ſufficient, that the ſame perſon was in the ſanctuary at the time of the ſaid felony committed: then he or ſhe making ſuch proof ſhall be ſuffered to remain and be in the ſame ſanctuary, without any extraction from the ſame, the ſaid indictment or any thing in this act above written notwithstanding.

IV. Provided alſo, That if any perſon, which was at any time a ſanctuary perſon for any petit treaſon, murder or felony, obtain and have the King's pardon, and thereby, or otherwiſe, be at large and out of ſanctuary diſcharged, or purged of that offence or cauſe, wherefore the ſame perſon took ſanctuary, and afterward do commit other petit treaſon, felony or manſlaughter by chance-medly, and not murder of malice prepenſed, and thereupon again take ſanctuary for any ſuch petit treaſon, felony or manſlaughter by chance-medly: the ſame perſon ſhall have and enjoy the privilege of ſanctuary for that his or her other offence of petit treaſon, felony or manſlaughter by chance-medly, as the ſame perſon might have had before the making of this act; any thing in the ſame act contained notwithstanding. In what caſe one may have the privilege of ſanctuary twice.

V. And over this, for more ſpeedy trials of murders and felonies, be it enacted by authority aforeſaid, That all manner of foreign pleas triable by the country, hereafter to be pleaded by any perſon or perſons arraigned upon any indictment for any petit treaſon, murder or felony, ſhall be forthwith tried before the ſame juſtices afore whom ſuch perſons ſhall be arraigned, and by the ſame jurors of the ſame county that ſhall try the petit treaſon, murder or felony whereof he ſhall be ſo arraigned without any further reſpite or delay, in whatſoever county or counties, place or places of this realm, the matter of the ſame pleas be ſuppoſed or alleged. Trial of foreign pleas. St. 34 H. 8. c. 3.

VI. And that no perſon arraigned for any petit treaſon, murder or felony, be from henceforth admitted to any peremptory challenge above the number of xx. (2) This act to endure to the end of the next parliament. Bro. challenge 217. No perſon arraigned may challenge above xx. St. 34 H. 8. c. 3. made perpetual.

VII. Provided always, That no perſon or perſons be hereafter excluded, or in any wiſe hurted, to have and enjoy any privilege of ſanctuary for any offence or offences, being of any higher nature in the law than the offences and cauſes ſpecified in this act be: but that every perſon and perſons for ſuch offences of higher nature, may have and enjoy privilege of ſanctuary, in as free and liberal manner, and after ſuch form as they might have done by the laws and cuſtoms of the realm afore the making of this act, any thing in this act to the contrary

contrary hereof notwithstanding. *Continued by 28 H. 8. c. 1. & by 32 H. 8. c. 3. made perpetual: but so much of this statute as concerneth abjured persons and sanctuaries, or ordering or governing of persons abjured, and in sanctuary, is repealed by 1 Jac. 1. c. 25. & 21 Jac. 1. c. 28.*

CAP. XV.

EXP.

The King's general pardon to his spiritual subjects, of all offences committed against the statutes of provisors, provisions, and premunire, and all other penalties, forfeitures, pains, except treason, murder, robbery, &c.

CAP. XVI.

EXP.

The King's pardon to his temporal subjects, of all offences committed against the statute of provisors, provisions, and premunire.

Statutes made at *Westminster Anno 23 HEN. VIII.*
and *Anno Dom. 1531.*

THE King our sovereign lord Henry the Eighth, by the grace of God King of England and of France, defender of the faith, and lord of Ireland, at the session of his high court of parliament, after divers prorogations holden at Westminster the fifteenth day of January, in the xxiiij. year of his noble reign, to the honour of Almighty God and holy church, and for the common weal and profit of this his realm, by the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, hath ordained, established, and enacted certain good statutes, laws, and ordinances, in manner and form following.

CAP. I.

An act concerning convicts in petit treason, murder, &c.

5 E. 1. c. 1.
Clergy not allowed to any person under a subdeacon.

WHERE at a parliament holden at Westminster in the third year of King Edward the First, the same King moved the prelates of the realm, and them enjoined upon their faith that they owed to him, that in no wise they should deliver those clerks, which were indicted for felony, without due purgation, so that the said King should have no need to put other remedy in that behalf; (2) and that notwithstanding after that monition, divers and many clerks convict were accustomedly delivered, and suffered to make their purgations, to the great courage of evil-doers:

4 H. 4. c. 3.

II. By occasion whereof afterward, at another parliament holden at Westminster in the fourth year of King Henry the Fourth, upon the complaint of the commons, the same King Henry the fourth then advertised the prelates of the realm of the premisses, intending then to have provided remedy by authority of the said parliament, as appertained to his prerogative royal, for the conservation of the peace of the crown; (2) at which time the archbishop of Canterbury, for himself and all other bishops of his province, then openly promised to the same

same King Henry the Fourth, That if any person from thenceforth were convicted of any treason which touched not the King nor his royal Majesty, and such as were notoriously known and reputed for thieves, and for such cause delivered to any ordinary as a clerk convicted, that the ordinary to whom such person or persons were delivered, should safely keep them after the effect of a constitution provincial, to be made by the said archbishop and bishops after the effect of the letters of Simon, then afore that time archbishop of Canterbury, bearing date the xij. calends of March, the year of our Lord God M.CCC.L. (3) And that no such traitor nor felon should make his purgation against the said constitution; (4) which constitution the said archbishop then promised to deliver to the same King before his next parliament, to the intent that if it should seem to the same King, that the same constitution were not sufficient remedy for the premisses, that then the said King might provide such remedy as should appertain in that behalf. (5) Sithen which time, the same constitution was never notified ne shewed by the prelates of this realm, but continually sithen that time manifest thieves and murderers, indicted and found guilty of their misdeeds by good and substantial inquests, and upon plain and provable evidence before the King's justices, and afterwards by the usages of the common laws of the land delivered to the ordinaries as clerks convicted, be speedily and hastily delivered and set at large by the ministers of the said ordinaries, for corruption and lucre; (6) or else because the ordinaries, enclaining such offenders by the liberties of the church, will in no wise take the charges in safe keeping of them, but little regarding the trial and conviction of the said offenders by the due and plain course of the common laws of the land, do suffer them to make their purgations by such as nothing know of their misdeeds; (7) and by such fraud adul and make void all the good and provable trial that is used against such offender by the King's laws, to the great slander of such as pursue such misdoers, and to the pernicious example, increase, and courage of such offenders, if the King's highness, by his authority royal, put not speedy remedy in the premisses, as appertaineth:

The promise of the clergy to the King for the safe keeping of notorious offenders convicted without purgation.

The ordinary's abuse in suffering notorious felons to make purgation.

III. Be it therefore enacted by the King our sovereign lord, and the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That no person nor persons, which hereafter shall happen to be found guilty after the laws of this land, for any manner of petit treason, or for any wilful murder of malice prepensed, or for robbing of any churches, chapels, or other holy places, or for robbing of any person or persons in their dwelling houses, or dwelling place, the owner or dweller in the same house, his wife, his children or servants then being within, and put in fear and dread by the same, or for robbing of any person or persons in or near about the highways, or for wilful burning of any dwelling houses, or barns wherein any grain or corn shall happen to be, nor any person or persons being found guilty of any abetment, procurement, helping, maintaining, or counselling, of or to any such petit treasons, murders, or felonies, shall from henceforth be admitted to the benefit of his or their clergy, but utterly be excluded

Co. pl. f. 352.
Clergy taken from several persons which do commit divers offences.
Extended to countries where the robbery, &c. was not committed.
3 Inst. 64, 67, 115.
1 Ed. 6. c. 12.
Kelyng, 67, 68, 69.
Dyer, 224.
11 Co. 29.
Extended to robberies in

hoeths or
rents, &c. by
5&6Ed.6.c.9.
2 Bulfr. 112.

None within
holy orders,
convict of
murder, &c.
shall make
purgation,
unless he be-
come bound
with sureties
for his good
abearing.

Of what estate
the sureties
shall be.

He that is at-
taint of felony
shall not make
his purgation,

An ordinary
may degrade
a convict per-
son, and send
him to the
king's bench.

cluded thereof, and suffer death in such manner and form, as they should have done for any the causes or offences abovesaid, if they were no clerks; such as be within holy orders, that is to say, of the orders of sub-deacon, or above, only except.

IV. And be it further enacted by authority aforesaid, That every such person or persons within such orders of sub-deacon, or above, which at any time hereafter be found guilty of any petit treason, or of any murder of malice prepensed, or of any of the felonies above rehearsed, or of any accessory to petit treason, wilful murder, or to any other the felonies above specified, and admitted to his or their clergy, and delivered to the ordinary for the same, shall not in any wise from henceforth be suffered to any purgation, nor be set at liberty, but remain and abide in perpetual prison, under the keeping of the ordinary, to whom he shall be committed, and his successors, without any manner of purgation during the natural life of every such convict, (2) except only such person or persons so being within such holy orders, and convict of or for any of the offences aforesaid, and delivered to the ordinary for the same, do find two sufficient sureties by recognizance before two of the King's justices of his peace, within the same shire wherein the petit treason, murder, or felony, whereof he was convicted, was committed and done, whereof one of them to be of the *quorum*, that such convict shall be of good abearing against the King our sovereign lord, his laws and subjects, every such convict to be bound in the sum of xl. li. and every his sureties in xx. li. (3) and that no surety be taken, unless such as may dispend in lands, tenements, or hereditaments yearly, above all charges, of estate of inheritance of charter-hold, xxvi. s. viii. d. or else be worth xx. li. in moveable substance at the time of the taking of such recognizance; (4) and that two justices of peace, whereof one to be of the *quorum*, by authority aforesaid, have power and authority to take such recognizance; (5) and that the said justices, afore whom any such recognizance shall be taken, shall certify the same into the King's bench, within four months next after the taking thereof, upon pain to lose and forfeit C. s. for every default thereof.

V. Provided alway, That this act extend not to give any benefit to any such person or persons, which, after their confession, or judgment given against them, of or for felony, or murder, or after they be outlawed for any such cause, be admitted to their clergy, and delivered to the ordinary for the same, but that they and every of them shall remain in the custody of the ordinaries without making purgation, upon such peril, and in such manner and form, as it was used by the common law before the making of this present act; this act or any thing therein contained notwithstanding.

VI. Provided always, and it is further enacted, That every ordinary, to whose custody any such convict for any of the offences above rehearsed shall be committed, may at his liberty disgrace every such convict after the laws of the church, if he

see cause so to do, and send the convict so disgraced, in sure and safe keeping, into the King's bench, with a certificate under his seal, testifying the said disgrading, (2) upon which the justices of the King's bench, having afore them the record upon which the said person so disgraced was first convict, shall give such like judgment of death upon the same record, against every such person so convict, and disgraced, as the justices afore whom he was convict might have done, if the said person so disgraced at the time of his conviction afore them had been no clerk, his admission to his clergy, and committing to the ordinary, ne any other thing, use or custom to the contrary hereof notwithstanding; (3) and that every such judgment shall be executed accordingly; (4) and that every ordinary so sending any such convict disgraced into the King's bench, shall be discharged against the King our sovereign lord, his heirs, and successors, of or for any further custody or keeping of the same convict, (5) this act to continue unto the last day of the next parliament.

11 Co. 30.
25 H. 8. c. 3.
28 H. 8. c. 1.
Made perpetual by 32 H. 8.
c. 3.

CAP. II.

For the making of gaols within the realm where none be, or where they be weak or feeble. Where and after what manner gaols shall be made. The justices shall tax the inhabitants of the county for and towards the building of the gaol. Collectors for the gathering of the money taxed, and their authority. Shall appoint two surveyors to see the gaol builded. The collectors and surveyors account, and their punishment if they do not. How the overplus shall be bestowed, the gaol being finished. Corporate towns which have gaols within themselves. The collectors and surveyors allowance for their pains. Felons shall be imprisoned in the said common gaol, which shall be kept by the sheriffs, and repaired by allowance out of the exchequer. A proviso for them which have any estate in gaols. Continued by 33 H. 8. c. 17. 37 H. 8. c. 23. 1 Mar. sess. 2. c. 14. and further continued for ten years by 13 El. c. 25.

Vide 5 El. c. 24.
Exp. 13 El.
c. 25.
2 Inst. 705.
E X P.

CAP. III.

An act against perjury and untrue verdicts.

THE King our sovereign lord of his most goodly and gracious disposition, calling to his remembrance how that perjury in this land is in manifold causes by unreasonable means detestably used, to the disservice, and great damage of many and great numbers of his subjects well-disposed, and to the most high displeasure of Almighty God, the good statutes against all officers having return of writs and their deputies, making panels partially for rewards to them given, against unlawful maintainers, embracers, and jurors, and against jurors untruly giving their verdict notwithstanding; for reformation whereof, and forasmuch as the late noble King Henry the Seventh provided remedy for the same by a statute made in the eleventh year of his reign, which statute is now expired:

11 H. 7. c. 24.
3 Inst. 164.

Attaint where
the thing in
demand ex-
tendeth to
xl. l. and con-
cerneth not
man's life.

Dyer, 81.

Co. Lit. 294.

Cræ. El. 350.

Moor, 17.

The proceſs
in attaint.

Every of the
grand jury in
attaint muſt be
worth twenty
marks a year.

25 H. 6. c. 5.

See 37 H. 8.

c. 5. l. 3. for

jurors in at-
taint; and

4 & 5 W. & M.

c. 24. for

jurors in other
actions.

Distreſs, when
to be awarded.

The grand
jury awarded
by default.

Pleas of the
petit jury in
attaint.

Raft. pl. f. 92.

Kel. 55.

Dyer, 173.

14 H. 7. c. 5.

Pleas of the
defendant in
attaint.

II. Be it therefore now enacted by the King our sovereign lord, and the lords spiritual and temporal, and the commons in this present parliament assembled, and by authority of the same, That upon every untrue verdict hereafter given betwixt party and party, in any suit, plaint, or demand, before any justices, or judges of record, where the thing in demand, and verdict thereupon given, extendeth to the value of xl. li. and concerneth not the jeopardy of man's life, to the party grieved by the same verdict shall have a writ of attaint against every person hereafter so giving an untrue verdict, and every of them, and against the party which shall have judgment upon the same verdict; (2) and that in the same attaint there shall be awarded against the petit jury, the party, and the grand jury, summons, resummons, and distress infinite, which grand jury shall be of like number as the grand jury is now in attaint, and every of them that shall pass in the same, shall have lands and tenements to the value of twenty marks by the year of freehold, out of the ancient demean; (3) and upon the distress, which shall be delivered of record upon the same, open proclamation to be made in the court there; (4) the distress shall be awarded more than fifteen days afore the return of the said distress, and every such distress shall be made upon the land of every of the said grand jury, as in other distresses is and hath been used; (5) and if the said party defendant, or the petit jurors, or any of them, appear not upon the distress, then the grand jury to be taken against them and every of them that shall so make default; (6) and if any of the said petit jury appear, then the party complainant in that behalf shall assign the false serement of the first verdict untrue given, whereunto they of the petit jury shall have no answer, if they be the same persons, and the writ, process, return, and assignment good and lawful except that the defendant or plaintiff in the same attaint hath afore been nonsuit, or discontinued his suit of attaint taken for the same, or hath for the same verdict, in a writ of attaint, had judgment against the said petit jury, but only that they made true serement, which issue shall be tried by twenty four of the said grand jury; (7) and the party shall plead that they gave true verdict, or any other matter which shall be a sufficient bar of the said attaint; (8) and that plea notwithstanding the grand jury to be taken without delay, to enquire whether the first jury gave true verdict or no.

III. And if they find that the said petit jury gave an untrue verdict, then every of the said petit jury to forfeit xx. li. whereof the one half shall be to the King our sovereign lord, and the other half to the party that sueth.

IV. And over that, That every of the said petit jury shall severally make fine and ransom, by the discretion of the justices before whom the said false serement shall be found, after their several offences, defaults, and sufficiency of every of the said petit jury; (2) and after that, those of the said petit jury so attainted shall never after be in any credence, nor their oath

Forfeiture of
the petit jury
attainted.

Dyer, 250.

If the plea of
the party de-

accepted in any court ; (3) and if ſuch plea as the party pleadeth, which is a bar of the ſaid attaint, be found, or deemed againſt him that ſo pleadeth, then the party that ſo ſueth, ſhall have judgment to be reſtored to that he loſt, with his reaſonable coſts and damages.

V. Foreſeen alway, That any *uſlare* in action or cauſe perſonal, or *excommengement* pleaded or alleged in the party plaintiff or demandant, ſhall be taken but as a void plea, and to that he ſhall not be put to answer ; (2) and that in all the aforeſaid proceſs ſuch day ſhall be given as in a writ of dower, and none eſſoin or protection to lie, nor to be allowed in the ſame ; (3) and if the ſaid grand jury appear not upon the firſt diſtreſs had againſt them, ſo that the jury for their default do remain, he that maketh default ſhall forfeit to the King xx. s. and upon the ſecond diſtreſs xl. s. and after making default, for every ſuch default v. li. and like penalties and forfeitures to be againſt them, and every of them, that ſhall be named in the *Tales*, as is before expreſſed againſt every of the ſaid grand jury aforeſaid ; (4) and that for and by the death of the party, or any of the ſaid petit jury, the ſaid attaint ſhall not abate, nor be deferred againſt the remnant, as long as two of the ſaid petit jury be alive.

Outlawry or excommunication no plea againſt the plaintiff in attaint.
Forfeiture of the grand jury making default of appearance.
How long the attaint is maintainable.

VI. And if hereafter any falſe verdict be given in any action, ſuit, or demand afore any juſtice or judge of record, of any thing perſonal, as debt, treſpaſs, and other like, which ſhall be under the value of xl. li. that then the party grieved ſhall have attaint, with ſuch proceſs and pleas as is afore rehearſed, and delays to be taken away, as is afore remembered ; (2) except that in this caſe of attaint, every perſon of the grand jury that may diſpend v. marks by the year of freehold out of ancient demean, or is worth an hundred marks of goods and chattels, ſhall be able to paſs in the ſame attaint. (3) And if the petit jury be attainted, that then they ſhall in this caſe of attaint every of them to forfeit v. li. whereof one half ſhall be to the King, and the other half to the party, after the form afore rehearſed, and over that to make fine and ranſom by the diſcretion of the juſtices, as is aforeſaid.

Attaint of a thing under the value of xl. li.
Dyer, 120.
1 Leon. 279.

VII. And if there be not perſons of ſuch ſufficiency within the ſhire or place where any of the ſaid attaints ſhall be taken, as may paſs into the ſame, be it ordained by the authority aboveſaid, That then one *Tales* ſhall be awarded into the ſhire next adjoining, by the diſcretion of the juſtices afore whom the ſame attaints ſhall be taken, which ſhall be warned to appear upon like pains as aforeſaid, and enabled to paſs in the ſaid attaints, as if they were dwelling in the ſhire where the ſame attaint ſhall be taken. (2) And that the ſame laws, action and remedy ordained by this preſent act, be kept for and to all them that ſhall be grieved by ſuch untrue verdicts of any inheritance in deſcent, reversion, remainder, or of any freehold in reversion or remainder. (3) And if the party in attaint given by this act be nonſuit, or the ſame diſcontinue, that then the ſame party

Tales in another county if there be not ſufficient freeholders in the ſame county.

An attaint for him in reversion or remainder.

Nonſuit in attaint.

party ſo nonſuit, or ſo diſcontinuing the ſaid attaint, make fine and ranſom by the diſcretion of the juſtices afore whom the ſaid attaint ſhall be taken and depending.

Attaints muſt
be ſued in the
King's bench
or common
place.
Dyer, 208.
Moor, 17.
pl. 60.
Dyer, 235.
Niſi prius in
attaint.
Attorney in
attaint.

Judgment
and execution
in attaint.

The nonſuit
or releaſe of
one plaintiff
ſhall not pre-
judice his
companions.

VIII. And that all attaints hereafter to be taken, ſhall be taken afore the King in his bench, or afore the juſtices of the common place, and none in other courts; (2) and that *niſi prius* ſhall be granted by diſcretion of the juſtices upon the diſtreſs; (3) and every of the ſaid petit jury may appear, and answer by attorney in the ſaid attaint; (4) and that the moiety of the ſaid forfeiture of the petit jury ſhall be levied to the uſe of our ſovereign lord the King by *capias ad ſatisfaciendum*, or *fieri fac'* or *elegit*, or by action of debt againſt every perſon of the petit jury ſo forfeiting, and againſt his executors and adminiſtrators, having then ſufficient goods of their ſaid teſtator not adminiſtred, and the other moiety ſhall by like proceſs be levied to the uſe of the party that ſueth any attaint given by this act againſt every of the ſaid petit jury and his executors or adminiſtrators, having then ſufficieny of goods, as is aforeſaid, not adminiſtred; (5) and the judgment of reſtitution to the party grieved ſuing this act, and execution thereof to be had, and like judgment for the party defendand, or tenant, to be diſcharged of reſtitution, as afore this preſent act in caſe of a grand attaint hath been uſed; (6) and if there be divers plaintiffs or demandants in attaint, that the nonſuit or releaſe of any of them ſhall not be in any wiſe hurtful or prejudicial to the reſidue, but that they and every of them in ſuch caſes may be ſummoned and ſevered, like as it is uſed when there be divers demandants in actions real.

IX. Be it alſo ordained and enacted by the authority aforeſaid, That in every writ of attaint hereafter to be taken by or upon this act, the which ſhall be ſuch as other writs of attaint be, and after the *Teſte* of the ſame writ ſhall be written theſe words in *Latin*: *Per ſtatutum continuatum uſque annum viceſimum tertium domini Henr' octavi, Dei gratia Angliæ & Franciæ Regis, fidei deſens' & domini Hiberniæ.*

Continued 33
H. 8. c. 17.
& 37 H. 8. c. 23.
Any perſon
may ſue an
attaint upon
this ſtatute, or
upon the act
of 21 H. 7.
c. 21.
Raft. pl. f. 84.
Dyer, 201.
37 H. 8. c. 5.
Made perpetual
by 13 El.
c. 25.

X. And it is alſo enacted, That this act ſhall take effect for verdicts hereafter to be given, and to continue to the laſt day of the next parliament.

XI. Provided alway, That this act be not prejudicial to a ſtatute made in the eleventh year of the late King of famous memory, *Henry* the Seventh, for puniſhment of perjury in untrue verdicts given in plaints ſued in the courts of the city of *London*, but that it ſhall be at the liberty of all perſons, for and upon any untrue verdict given in any courts of the ſame city, to ſue their attaint upon this eſtatute, or elſe upon the ſaid eſtatute made in the ſaid eleventh year, at their own pleaſures and wills.

C A P. IV.

An act concerning new making of barrels, kilderkins, and other vessels.

WHERE the ale-brewers and beer-brewers of this realm of England have used, and daily do use, for their own singular lucre, profit, and gain, to make in their own houses their barrels, kilderkins, and firkins, of much less quantity, content, rate, and assize than they ought to be, to the great hurt, prejudice, and damage of the King's liege people; and contrary to divers acts, statutes, ancient laws and customs heretofore made, had, and used, and to the destruction of the poor craft or mystery of coopers: (2) For reformation whereof, be it enacted by the King our sovereign lord, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That no beer-brewer nor ale-brewer, that shall brew to sale beer or ale, shall from henceforth occupy by himself, nor by any other to his use, in his house, nor elsewhere, the mystery or craft of coopers, nor make any barrels, kilderkins, firkins, or other vessels, by himself, nor by his or their own servants, whereby they shall put their beer or ale to sale; (3) but that all such barrels, kilderkins, and other vessels of wood, wherewith they shall put their beer or ale to sale, shall from henceforth be made and marked according as hereafter shall be expressed, by the common artificers of coopers, exercised and practised in the said occupation, upon pain to forfeit and pay for every such barrel, kilderkin, firkin, or other vessel hereafter to be made contrary to the tenor of this act, three shillings four pence.

II. And be it also enacted, That every artificer of the craft or mystery of coopers, that will exercise or practise to make any of the said vessels for beer or ale to be put to sale, shall make the same vessels, and every of them, of good and seasonable wood, and put his proper mark upon every of them; (2) and that every barrel for beer shall contain xxxvi. gallons, every kilderkin for beer xvij. gallons, and every firkin for beer ix. gallons, of the King's standard gallon; (3) and that every barrel for ale shall contain xxxij. gallons, every kilderkin for ale xvi. gallons, and every firkin for ale viij. gallons, of the King's standard gallon; so that they shall be of good and just measure, or else above, and not under. (4) And that no cooper shall make any other vessel for beer or ale, to be sold within this realm, of any greater or lesser number of gallons than is above said, unless he shall cause to be marked upon every such vessel that he shall so make of greater or lesser number of gallons, the true and certain number of as many gallons as every such other vessel shall contain, to the intent that every person may know the content thereof.

III. And that no such artificer of coopers shall inhanche the prices of any such barrels, kilderkins, firkins, or other vessels, in the sale of them to any ale-brewer or beer-brewer, or other person, but keep the rates of such prices as hereafter ensueth, and

No brewer of ale or beer to sell shall use the mystery of a cooper, nor make any barrels, &c.

Vessels for ale and beer shall be made of seasonable wood, and marked. The contents of barrels, kilderkins, &c.

Prices of barrels, kilderkins, and firkins.

Rep. 8. El. c. 9.
and farther
provisions re-
lating thereto.

and not above, upon pain to forfeit for every barrel, kilderkin, and firkin defective, or inhanced in price, in any point contrary to this act, iij. s. 4. d. that is to say, for every beer-barrel ix. d. for every beer-kilderkin v. d. and for every beer-firkin iii. d. and the ale-barrel xvi. d. and the ale-kilderkin ix. d. and the ale-firkin v. d.

Vessels of ale
or beer to be
marked by a
cooper.

IV. And be it further enacted by the said authority, That no beer-brewer nor ale-brewer, at any time after the feast of *Lammas* now next coming, shall put their beer or ale to sale to any person or persons to be spent and occupied within this realm, in any other barrels, kilderkins, firkins, or other vessels of wood, other than shall be made and marked by an artificer of coopers abovesaid, whereof every barrel for beer shall contain and hold xxxvi. gallons, every half-barrel or kilderkin xviii. gallons, and every firkin ix. gallons; and every barrel for ale shall contain xxxij. gallons, every kilderkin xvi. gallons, and every firkin viij. gallons of full and just measure, or above, and not under that measure.

Prices of ale
and beer assesse-
d by justices
of peace and
other officers.
Kell. 103.
Cro. Car. 112.
1 Roll. 50. pl.
18.

V. And that every beer-brewer and ale-brewer shall not take over and above for every such barrel, kilderkin, or firkin of ale and beer, but after such prices and rates as shall be thought convenient and sufficient by the discretions of the justices of peace within every shire where such beer-brewer and ale-brewer shall dwell, without any city, borough, or town corporate, where no head-officers, as mayors, bailiffs, sheriffs and other head-officers, have none authority or rule; (2) and every city, borough, and town, where there be mayors, sheriffs, or other head-officers, the same rates and prices to be named and setted by them and every of them by their discretions. (3) And that the said ale-brewers or beer-brewers at any time hereafter shall not sell their beer nor ale at any higher rates or prices than shall be to them assigned after the form above rehearsed, upon pain to lose and forfeit for every barrel so put to sale contrary to this estatute, vi. s. for every half-barrel or kilderkin, iii. s. iv. d. and for every firkin, ii. s. (4) and for every vessel containing greater number of gallons, x. s. and for every other vessel containing lesser number of gallons, xij. d. The one half of all the which penalties and forfeitures to be to the King our sovereign lord, and the other half to him that will sue for the same by action of debt, bill, plaint, or information in any of the King's courts; in which action and suit the defendant shall not wage his law, nor any essoin, protection, or privilege, to be admitted.

1 Ven. H. 8.

Sopemakers.

VI. Be it also further enacted by the said authority, That all manner of sopemakers, within this realm of *England*, which shall put to sale any sope by barrel, half-barrel, firkin, or other vessel, shall from *Lammas* now next coming, make or cause to be made their barrels, half-barrels, firkins, and other vessels, according to the rates, contents, weights, and assises of old time used and accustomed; that is to say, every empty barrel to hold and contain xxxii. gallons, or above, and to be in weight xxvi. pounds, and not above, of full and just measure; and every half-

The content
and weight of
sope vessels.

half-barrel empty to be in weight xiiij. pound, and not above, and to hold and contain xvi. gallons, or above; and every firkin empty to weigh vi. pounds and a half, and not above, and to hold and contain viii. gallons, or above, upon pain of forfeiture for every fuch barrel, half-barrel, firkin, or other vessel hereafter to be made, had, or used contrary to this act, iii. s. iv. d.

VII. And also be it enacted by the authority aforesaid, That the wardens of the occupation or myftery of coopers within the city of *London*, from henceforth at all times hereafter, when they fhall think convenient and expedient, taking with them an officer of the mayor's, fhall have full power and authority, by virtue of this act, to fearch, view, and gauge all manner of fuch barrels, kilderkins, firkins and other vessels to be made or occupied for ale, beer, or fope, to be put to fale within the city of *London*, and fuburbs of the fame, and within two miles compafs without the fame fuburbs, to view and fee that the fame barrels, kilderkins, firkins, and other vessels, as well within liberties as without, be made and marked well and fufficiently, and bear and contain their true contents, rates, and meafures, according to the effect of this eftatute; (2) and also to mark every fuch barrel, kilderkin, firkin, and other vessel by them fo viewed and gauged, bearing and containing their true contents, with the fign and token of Saint *Anthony's* crofs. (3) The fame wardens to have for the fearch and gauging of every fuch barrel, kilderkin, firkin, and other vessel by them fo fearched, viewed, gauged, and marked, one farthing, and not above, of the owners or makers of the faid vessels; and fhall and may have authority, by virtue of this act, to retain every fuch vessel as they fhall fo gauge, fearch and mark, until fuch time as they fhall be fatisfied thereof; (4) and in cafe they fhall find any of the faid vessels defective, not bearing their true contents, that then by authority of this act they may feife, take, and retain every fuch vessel, and caufe the fame to be marked or amended according to the true content, or elfe caufe the fame to be burned.

Wardens of
coopers fhall
fearch in *London*.

VIII. And also the party, owner of fuch vessel, to lofe and forfeit for every fuch vessel not being of the full contents after the rate above expreffed, xii. d. to be recovered and employed as is abovefaid.

IX. And be it further enacted by the faid authority, That in all other cities, boroughs, and towns, wherein no fuch wardens of coopers be, that the mayors, fheriffs, bailiffs, conftables, or other head officers in fuch cities, boroughs, and towns, fhall have power and authority to fearch, view, and gauge all fuch barrels, kilderkins, firkins, and other vessels to be made hereafter in any fuch city, borough, or town, and to have and take all fuch advantage thereby, and in like manner and form, as the wardens of coopers within the city of *London*, or other perfons by this act fhould or may have or take on every behalf.

Search of
coopers in o-
ther cities, bo-
roughs, or
towns.

A beer-brewer may keep a cooper to hoop and amend his barrels.

X. Provided always, That every beer-brewer may keep in his house one or two servants of the mystery or craft of coopers, to hoop and amend his barrels, kilderkins, firkins, and other vessels, wherein they shall put their beer to sale from time to time; this act or any thing therein contained to the contrary in any wise notwithstanding.

The penalty for vessels diminished.

XI. And be it further enacted by the said authority, That if any person, at any time after the said feast of *Lammas* next coming, do minish, or cause to be minished, any manner of barrel, kilderkin, or firkin, to the deceit of any of the King's subjects, by reason of taking out the head of any such vessel, or taking out of any staff out or from any such vessel, that then every such vessel to be burst, and the offender to forfeit for every such offence iii. s. iv. d. the one moiety thereof to be to the King our sovereign lord, and the other moiety thereof to him or them of the King's subjects that will sue for the same, to be recovered in manner and form above rehearsed; (2) and the party to offending to be further punished by the discretion of the head-officer or officers, before whom such default shall be presented.

An ale-brewer may keep a cooper.

XII. It is enacted by the authority of this present parliament, That notwithstanding any thing contained in this act of brewers and coopers, whereunto this schedule is annexed, it shall be lawful for every ale-brewer, mentioned in the same act, to have and retain in his service one person of the mystery or craft of coopers to exercise in his service the craft of a cooper only in binding, hooping, and planing his master's ale-vessels recited by the said act, and in none otherwise to use or exercise any making of vessels concerning the craft or mystery of a cooper, whiles that he is in the service of any ale-brewer.

XIII. Also it is enacted, That every cooper, which hereafter shall make any ale-vessel specified by the said act, shall, from the feast of *Pentecost* next coming, make every such vessel according to the assise specified in the treatise called *Compositio mensurarum*; that is to say, every barrel for ale shall contain xxxii. gallons of the said assise, or above, of the which viii. gallons make the common bushel to be used in this realm of *England*, every kilderkin for ale xvi. gallons of the said assise, or above, and every firkin viii. gallons of assise, or above, (2) upon pain of forfeiture of iii. s. iv. d. for every of the same vessels by him untruly made contrary to this act; the one half of the same forfeiture to be to the King, and the other to him that will sue for the same by action of debt, bill, plaint, writ, or otherwise; in which action no essoin, protection, or wager of law shall be allowed.

Every cooper shall mark his vessel with his own mark.

51 H. 3. stat 1.

XIV. And be it also enacted, That every cooper mark his vessel with his own mark, upon pain of iii. s. iv. d. to be levied and recovered after like manner and form as is abovesaid; (2) and that no manner of person in the search-making for the true gauging of any such vessels, shall put out the ale of any such vessel, whereby the same ale shall be the worse. (3) And that

that it shall be lawful to every ale-brewer to bring, carry, and cause to be brought and carried, their ale to the households of our sovereign lord the King, the Queen, the princes, and to every archbishop's, bishop's, duke's, marquis's, earl's, barons, or other honourable men's houses, in tuns, butts, pipes, hog-heads, or other vessels of greater or larger quantity than is expressed in this present act, as before time hath been used in that behalf. (4) And also it shall be lawful to the said ale-brewers to bring, carry, or cause to be brought, conveyed, or carried, their ale to every man's house in barrels, kilderkins, and firkins, bearing and holding their true contents according to the purport and effect of this present act, any thing contained in the same act to the contrary hereof notwithstanding. 31 El. c. 8.

CAP. V.

The bill of sewers with a new proviso, &c.

OUR sovereign lord the King, like a virtuous and most gracious prince, nothing earthly so highly weighing, as the advancing of the common profit, wealth and commodity of this his realm, considering the daily great damages and losses which have happened in many and divers parts of this his said realm, as well by the reason of the outrageous flowing, surges, and course of the sea in and upon marsh-grounds, and other low places heretofore through politick wisdom won and made profitable for the great common wealth of this realm, as also by occasion of land-waters, and other outrageous springs, in and upon meadows, pastures, and other low grounds adjoining to rivers, floods, and other water-courses; (2) and over that, by and through mills, mill-dams, weirs, fishgarths, kedels, gores, gotes, flood-gates, locks, and other impediments in and upon the same rivers and other water-courses, to the inestimable damages of the common wealth of this realm, which daily is likely more and more to increase, unless speedy redress and remedy be in this behalf shortly provided: (3) Wherein albeit that divers and many provisions have been before this time made and ordained, yet none of them are sufficient remedy for the reformation of the premisses, hath therefore by deliberate advice and assent of his lords spiritual and temporal, and also his loving commons, in this present parliament assembled, ordained, established, and enacted, That commissions of sewers, and other the premisses, shall be directed in all parts within this realm from time to time, where and when need shall require, according to the manner, form, tenor, and effect hereafter ensuing, to such substantial and indifferent persons as shall be named by the lord chancellor and lord treasurer of England, and the two chief justices for the time being, or by three of them, whereof the lord chancellor to be one.

How far the commission of sewers shall extend. Latch. 179, 171. 4 Inst. 175.

II. Henry the Eighth, &c. Know ye, That forasmuch as the walls, ditches, banks, gutters, sewers, gates, calties, bridges, streams, and other defences, by the coasts of the sea, and marsh ground, lying and being within the limits of A. B. or C. in the county or counties of or in the borders or confines of the same, by rage of the sea, flowing and refloving, and by mean of the trenches of fresh waters

The form of the commission of sewers.

The several
causes of a-
warding the
commission of
sewers.

waters descending, and having course by divers ways to the sea, be so disrupt, lacerate, and broken; (2) and also the common passages for ships, balangers, and boats, in the rivers, streams, and other floods, within the limits of A. B. or C. in the county or counties of or in the borders or confines of the same, by mean of setting up, erecting, and making of streams, mills, bridges, ponds, fish-garths, mill-dams, locks, hebbing-wears, becks, and flood-gates, or other like lets, impediments, or annoyances, be letted and interrupted, so that great and inestimable damage, for default of reparation of the said walls, ditches, banks, fences, sewers, gotes, gutters, calcies, bridges, and streams; (3) and also by mean of setting up, erecting, making, and enlarging of the said fish-garths, mill-dams, locks, hebbing-wears, becks, flood-gates, and other like annoyances, in times past hath happened, and yet is to be feared, that far greater hurt, loss and damage is like to ensue, unless that speedy remedy be provided in that behalf.

What things
the commi-
oners of sewers
are authorized
to do.

13 Co. 36.

Inquiry by
whose defaults
the annoyances
come.

Assessing the
person to be
contributory
to the charge.

10 Co. 139, 141.

2 Bulstr. 199.

III. We therefore, for that by reason of our dignity, and prerogative royal, we be bounden to provide for the safety and preservation of our realm of England, willing that speedy remedy be had in the premisses, have assigned you, and six of you, of the which we will that A. B. and C. shall be three, to be our justices, to survey the said walls, streams, ditches, banks, gutters, sewers, gotes, calcies, bridges, trenches, mills, mill-dams, flood-gates, ponds, locks, hebbing-wears, and other impediments, lets, and annoyances aforesaid, and the same cause to be made, corrected, repaired, amended, put down, or reformed, as case shall require, after your wisdoms and discretions; (2) and therein as well to ordain and do after the form, tenor, and effect of all and singular the statutes and ordinances made before the first day of March, in the three and twentieth year of our reign, touching the premisses, or any of them, as also to enquire by the oaths of the honest and lawful men of the said shire or shires, place or places where such defaults or annoyances be, as well within the liberties as without (by whom the truth may the rather be known) through whose default the said hurts and damages have happened, and who hath or holdeth any lands or tenements, or common of pasture, or profit of fishing, or hath or may have any hurt, loss, or disadvantage by any manner of means in the said places, as well near to the said dangers, lets, and impediments, as inhabiting or dwelling thereabouts, by the said walls, ditches, banks, gutters, gotes, sewers, trenches, and other the said impediments and annoyances; (3) and all those persons, and every of them, to tax, assess, charge, distrain, and punish, as well within the metes, limits, and bounds of old time accustomed, or otherwise, or elsewhere within our realm of England, after the quantity of their lands, tenements, and rents, by the number of acres and perches, after the rate of every person's portion, tenure, or profit, or after the quantity of their common of pasture, or profit of fishing, or other commodities there, by such ways and means, and in such manner and form as to you, or six of you, whereof the said A. B. and C. to be three, shall seem most convenient to be ordained and done for redress and reformation to be had in the premisses; (4) and also to reform, repair, and amend the said walls, ditches, banks, gutters, sewers, gotes, calcies, bridges, streams,

streams, and other the premisses, in all places needful; and the same, as often, and where need shall be, to make new, and to cleanse and purge the trenches, sewers, and ditches, in all places necessary; (5) and further to reform, amend, prostrate, and overthrow all such mills, streams, ponds, locks, fish-garths, hebbing-wears, and other impediments, and annoyances aforesaid, as shall be found by inquisition, or by your surveying and discretions to be excessive or hurtful; (6) and also to depute and assign, diligent, faithful, and true keepers, bailiffs, surveyors, collectors, expeditors, and other ministers, and officers, for the safety, conservation, reparation, reformation, and making of the premisses, and every of them, and to bear the account of the collectors, and other ministers of and for the receipt, and laying out of the money that shall be levied and paid in, and about the making, reforming, repairing, and amending of the said walls, ditches, banks, gutters, gotes, sewers, calcies, bridges, streams, trenches, mills, ponds, locks, fish-garths, flood-gates, and other impediments and annoyances aforesaid; (7) and to distrain for the arrearages of every such collection, tax, and assess, as often as shall be expedient, or otherwise to punish the debtors and detainers of the same, by fines, amerciaments, pains, or other like means after your good discretions; (8) and also to arrest and take as many carts, horses, oxen, beasts, and other instruments necessary, and as many workmen and labourers as for the said works and reparations shall suffice, paying for the same competent wages, salary, and stipend in that behalf; (9) and also take such and as many trees, woods, underwoods, and timber, and other necessaries, as for the same works and reparations shall be sufficient, at a reasonable price, by you, or six of you, of the which we will that A. B. and C. shall be three, to be assessed or limited, as well within the limits and bounds aforesaid, as in any other place within the said county or counties near unto the said places; (10) and to make and ordain statutes, ordinances, and provisions from time to time, as the case shall require, for the safeguard, conservation, redress, correction, and reformation of the premisses and of every of them, and the parts lying to the same, necessary and behoofful, after the laws and customs of Rumney marsh in the county of Kent, or otherwise by any ways or means after your own wisdoms and discretions; (11) and to bear and determine all and singular the premisses, as well at our suit, as at the suit of any other whatsoever complaining before you, or six of you, whereof A. B. and C. shall be three, after the laws and customs aforesaid, or otherwise, by any other ways or means after your discretions; (12) and also to make and direct all writs, precepts, warrants, or other commandments by virtue of these presents, to all sheriffs, bailiffs, and all other ministers, officers, and other persons, as well within liberties as without, before you, or six of you, whereof the said A. B. and C. to be three, at certain days, terms, and places to be prefixed, to be returned and received; (13) and further to continue the process of the same, and finally to do all and every thing and things as shall be requisite for the due execution of the premisses, by all ways and means after your discretions: (14) and therefore we command you, that at certain days and places, when and where ye, or six of you, whereof the said A. B. and C. to be three, shall think expedient, ye do survey the said walls, fences, ditches, banks, gutters, gotes, sewers, calcies, ponds, bridges, rivers,

Appointing of bailiffs, collectors, surveyors, and other inferior officers.

Distraining for the arrearages of the money assessed.

Taking of labourers, workmen, and carriages, timber, and other necessities.

To make statutes and ordinances.

Awarding of writs and precepts to sheriffs, bailiffs, and others.

To compel
others to obey
their orders.
2 Bulfr. 198.

rivers, streams, water-courses, mills, locks, trenches, fish-garths, flood-gates, and other the lets, impediments, and annoyances aforesaid, and accomplish, fulfil, bear, and determine all and singular the premisses in due form, and to the effect aforesaid, after your good discretions; (15) and all such as ye shall find negligent, gainsaying, or rebellious in the said works, reparations, or reformations of the premisses, or negligent in the due execution of this our commission, that ye do compel them by distress, fines, and amerciaments, or by other punishments, ways, or means, which to you, or six of you, whereof the said A. B. and C. shall be three, shall seem most expedient for the speedy remedy, redress, and reformation of the premisses, and due execution of the same; (16) and all such things as by you shall be made and ordained in this behalf, as well within liberties as without, ye do cause the same firmly to be observed, doing therein as to our justice appertaineth after the laws and statutes of this our realm, and according to your wisdoms and discretions.

Sheriffs to re-
turn before the
commissioners
such jurors as
shall be fit for
enquiry.

IV. Saved always to us such fines and amerciaments as to us there-
of shall belong; (2) and we also command our sheriff or sheriffs of our
said county or counties of _____ that they shall cause to come be-
fore you, or six of you, of the which A. B. and C. to be three, at such
days and places as ye shall appoint to them, such and as many honest
men of his or their bailiwick, as well within the liberties as without,
by whom the truth may best be known, to enquire of the premisses; (3)
commanding also all other ministers and officers, as well within liber-
ties as without, that they, and every of them, shall be attendants to
you in and about the due execution of this our commission. In witness
whereof we have caused these our letters patents to be made. Witness
ourselves at Westminster, the _____ day of _____ in the _____
year of our reign.

All other offi-
cers shall be
attendant to
the commissi-
oners.

The commissi-
oners shall
take an oath.
Enforced by
25 H. 8. c. 10.

V. And it is also enacted, That every such person as shall be
named commissioner in the said commission, after he hath
knowledge thereof, shall effectually put his diligence and at-
tendance in and about the execution of the said commission.
(2) And before he shall take upon him the execution of the
said commission, he shall take a corporal oath before the lord
chancellor, or before such to whom the said lord chancellor
shall direct the King's writ of *Dedimus potestatem* to take the
same, or before the justices of the peace in the quarter sessions
holden in the shire where such commissions shall be directed;
the tenor of which oath hereafter ensueth:

The form of
the oath.

(3) Ye shall swear, That you, to your cunning, wit, and power,
shall truly and indifferently execute the authority to you given by this
commission of sewers, without any favour, affection, corruption,
dread, or malice to be borne to any manner of person or persons; and,
as the case shall require; ye shall consent and endeavour yourself for
your part, to the best of your knowledge and power, to the making of
such wholesome, just, equal and indifferent laws and ordinances, as
shall be made and devised by the most discreet and indifferent number
of your fellows, being in commission with you, for the due redress,
reformation, and amendment of all and every such things as are
contained and specified in the said commission, and the same laws and
ordinances to your cunning, wit, and power, cause to be put in exe-
cution.

execution, without favour, meed, dread, malice, or affection; as God you help, and all ſaints.

VI. And it is alſo enacted by the authority aforeſaid, That all and every ſtatute, act, and ordinance heretofore made concerning the premiſſes, or any of them, as well in the time of our ſovereign lord the King that now is, as in the time of any of his progenitors Kings of this realm of *England*, not being contrary to this preſent act, nor heretofore repealed, from henceforth ſhall ſtand and be good and effectual for ever, and to be put in due execution according to the true meaning and purport of the ſame.

A confirmation of other ſtatutes.

VII. And over that be it enacted, That the commiſſioners hereafter to be named in any of the ſaid commiſſions, according to the purport and effect of the ſame commiſſions, have full power and authority to make, conſtitute, and ordain laws, ordinances, and decrees, and further to do all and every thing mentioned in the ſaid commiſſion, according to the purport, effect, words, and true meaning of the ſame; (2) and the ſame laws and ordinances ſo made, to reform, repeal, and amend, and make new, from time to time, as the caſes neceſſary ſhall require in that behalf.

The authority of the commiſſioners.

1 Mar. ſeſſ. 3.
c. 11.
13 Eliz. c. 9.

VIII. Provided alway, and it is enacted, That if any perſon or perſons being aſſeſſed or taxed to any lot or charge for any lands, tenements, or hereditaments, within the limits of any commiſſion hereafter to be directed, do not pay the ſaid lot and charge according to the ordinance and aſſignment of the commiſſioners, having power of the execution of the ſaid commiſſion, by reaſon whereof it ſhall happen, the ſaid commiſſioners having power of the execution of ſuch commiſſion, for lack of payment of ſuch lot and charge, to decree and ordain the ſame lands, tenements, and hereditaments from the owner or owners thereof, and their heirs, and the heirs of every of them, to any perſon or perſons for term of years, term of life, in fee-ſimple, or in tail, for payment of the ſame lot and charge, that then every ſuch decree and ordinance ſo by them made and ingroſſed in parchment, and certified under their ſeals into the King's court of chancery, with the King's royal aſſent had to the ſame, ſhall bind all and every perſon and perſons, that at the making of the ſame decree had any intereſt in ſuch lands, tenements, or hereditaments, in uſe, poſſeſſion, reverſion, or remainder, their heirs, and ſeoffees, and every of them, and not to be in any wiſe reformed, unleſs it be by authority of parliament hereafter to be ſummoned and holden within this realm.

The ordinances of commiſſioners upon thoſe which reſuſe.

Extended to copyhold lands 7 Ann. c. 10.

IX. And alſo it is provided by authority aforeſaid, That the ſame laws, ordinances, and decrees to be made and ordained by the ſaid commiſſioners, or ſix of them, by authority of the ſaid commiſſion, ſhall bind as well the lands, tenements, and hereditaments of the King our ſovereign lord, as all and every other perſon and perſons, and their heirs, for ſuch their intereſt as they ſhall fortune to have, or may have, in any lands, tenements or hereditaments, or other caſual profit, advantage, or commodity, whatſoever they be, whereunto the ſaid laws, ordinances,

The commiſſioners decree ſhall bind the King's and all men's lands.
3 Ed. 6. c. 8.

and decrees shall in any wise extend, according to the true purport, meaning, and intent of the same laws.

No man may
sit being un-
sworn.

What land
each com-
missioner shall
have.

13 El. c. 9.

25 H. 8. c. 10.

X. And it is furthermore by the authority aforesaid, establish- ed and enacted, That if any manner of person or persons, of what estate or degree soever he or they be of, that from hence- forth do take upon him or them to sit by virtue of any of the said commissions, not being before sworn in form as is aforesaid, and according to the tenor of the oath before specified, or if any person so named and sworn do sit as is aforesaid, not having lands and tenements, or other hereditaments in fee-simple, fee-tail, or for term of life, to the clear yearly value of xl. marks above all charges to his own use, except he be resiant and free of any city, borough, or town corporate, and have moveable substance of the clear value of one hundred pounds, or else be learned in the laws of this realm in and concerning the same, that is to say, admitted in one of the four principal inns of court for an utter barrister, shall forfeit xl. l. for every time that he shall attempt so to do; (2) the one half thereof to be to our so- vereign lord the King, and the other half thereof to the use of him or them that will sue therefore by action of debt, bill, plaint, or information, in any of the King's courts; in which action or suit no wager of law shall be admitted, nor any essoin or protection shall be allowed.

Avowry, or
justification of
a distrefs tak-
en by reason
of the com-
mission of
sewers.

Co. pl. f. 293.

XI. And if any action of trespass, or other suit, shall happen to be attempted against any person or persons for taking any distrefs, or any other act doing, by authority of the said com- mission, or by authority of any laws or ordinances made by virtue of the said commission, the defendant or defendants in any such action shall and may make avowry, conusance, or justification, for the taking of the same distrefs, or other act doing touching the premises, or any of them, alleging in such avowry, conusance and justification, that the said distrefs, trespass, or other act whereof the plaintiff complaineth, was done by the authority of the commission of sewers for lot or tax assessed by the said commis- sion, or for such other act or cause as the said defendant did by authority of the same commission, and according to the tenor, purport, and effect of this present act made the three and twen- tieth year of the reign of our sovereign lord King *Henry* the Eighth, without any expressing or rehearsal of any other mat- ter or circumstance contained in this present act, or any com- mission, laws, statutes, or ordinances thereupon to be made; (2) whereupon the plaintiff shall be admitted to reply, that the defendant did take the said distrefs, or did any other act or tres- pass supposed in his declaration of his own wrong, without any such cause alleged by the said defendant; whereupon the is- sue in every such action shall be joined, to be tried by verdict of twelve men, and not otherwise, as is accustomed in other per- sonal actions: (3) and upon the trial of that issue the whole mat- ter to be given on both parties in evidence according to the very truth of the same.

Where the
defendant
shall repay

XII. And after such issue tried for the defendant, or nonsuit of the plaintiff after appearance, the same defendant to recover tre-

treble damages by reason of his wrongful vexation in that behalf, with his costs also in that part sustained, and that to be assessed by the same jury, or writ to enquire of damages, as the cause shall require. damages with his costs of suit.

XIII. And it is also enacted, That every of the said commissioners shall have and percieve four shillings for every day that they shall take pain in the execution of this commission of sewers, and one clerk, by them to be assigned, two shillings for every day, of the rates, taxes, lots, and wains that shall be assessed or lost by the authority of the said commission, and to be levied and paid by their discretions. (2) And that the said commissioners, or six of them, shall have power and authority to limit and assign of the same rates, taxes, lots, and wains, by their discretions, such reasonable sums of money to the said clerk, for writing of books and process concerning the premises, and to the collectors, expeditors, and such other as shall take pain in the due execution of the said commission, as by the discretions of the said commissioners, or six of them, shall be thought reasonable. The wages and fees of commission-ers, clerks, collectors, &c.

XIV. Provided alway, That whensoever, and as often as such commission, as is afore limited, shall be made and directed to any person or persons, for the reformation and amendment of or in any of the premises specified in the said commission, within the fees, liberties, or possessions of the duchy of *Lancaster*, that then such commissioners, as shall execute any such commission, shall be always named and appointed by the discretion of the lord chancellor and lord treasurer of *England*, and the said two chief justices of either bench, and the chancellor of the said duchy for the time being, or three of them, whereof the said lord chancellor and the chancellor of the duchy to be two; (2) and that in every such case two commissions shall be awarded and made according to the tenor of the commission above expressed, one thereof under the great seal of *England*, and the other under the seal of the same duchy, as beforetime hath been accustomed, any thing afore rehearsed in this act to the contrary hereof notwithstanding. Commissions within the liberty of the duchy.

XV. And it is further enacted, That the said commissions from time to time, as the case shall require, shall be had and obtained without any money, or other charge to be paid for the seals, or writing of the same, unless it be to the King, two shillings six pence for the seal of every commission, as hath been accustomed, and for the writing and inrolling of any one commission, five shillings, and not above. The charge of the commissions.

XVI. And it is further enacted, That every commission to be made by authority of this act shall endure and continue for the term of three years next after the *teste* of the commission; (2) nevertheless, after any commission made and delivered out of the King's court of chancery, the King's highness shall always at his pleasure, by his writ of *Superfedas* out of his said court of chancery, at any time discharge as well every such commission, as every commissioner that shall be made or named by authority of this act; (3) after which discharge, the said commissioner shall have no power or authority to proceed in A commission of sewers shall endure three years. Altered by 13 El. c. 9. s. 1. A commission or commissioner discharged by *superfedas*.

the execution of their commission, nor in any thing by authority of this act.

How long the
commission-
ers decree
shall endure.

March. 196.
Altered by
23 El. c. 9. f. 1.

Commissions
into a county
palatine.

The King's
royal assent
shall be certi-
fied into the
chancery.
Altered by
23 El. c. 9. f. 1.

Commissions
in Wales and
counties
palatine.

Regist. f. 127.
Made perpe-
tual by 3 & 4
Ed. 6. c. 8.

XVII. Provided always, That such laws, acts, decrees, and ordinances as shall happen to be made by the said commissioners according to the tenor of their commission, or by authority of this act, shall stand good and effectual, and be put in due execution so long time as their commission endureth, and no longer; except the said laws and ordinances be made and ingrossed in parchment, and certified under the seals of the said commissioners into the King's court of chancery, and then the King's royal assent be had to the same, any thing contained in this present act to the contrary hereof notwithstanding.

XVIII. Provided also, That whensoever, and as often as such commission as is afore limited shall be made and directed to any person or persons for the reformation and amendment of or in any of the premises specified in the said commission, within the fees, liberties, and possessions of the principality of *Wales*, the county palatine of *Chester*, or within the fees, liberties, and possessions of any other place where there is liberty and jurisdiction of county palatine, that in every such case two commissions shall be awarded and made according to the tenor of the commission above expressed, one thereof under the great seal of *England*, and the other under the usual seal of the county palatine, in manner and form as is above provided for the duchy of *Lancaster*; any thing afore rehearsed in this present act to the contrary notwithstanding.

XIX. And it is provided, and also enacted, That the royal assent limited to be had unto the laws and ordinances to be made by the said commissioners, as is abovesaid, shall be certified into the said court of chancery under the King's privy seal; (2) and that there shall not any sum of money be paid for the same privy seal; but for the writing of the same certificate under the said privy seal shall be paid to the writer thereof *ii. s.* and not above, nor no other nor greater sum for any thing touching or concerning the same certificate under the same privy seal.

XX. Provided alway, That the chancellors, and such other as shall have the custody of the seals of the said principality of *Wales*, or the county palatine of *Chester*, or within the fees, liberties, and possessions of any other place where there is liberty and jurisdiction of county palatine, upon reasonable request, and upon the sight of the commission under the King's great seal of his chancery, shall without delay make out another commission under the seal of the said county palatine, according to the tenor of the King's commission to them shewed under his great seal; (2) and to those commissioners as shall be named by the lord chancellor, lord treasurer, and the two chief justices, or by three of them, whereof the lord chancellor to be one, except it be within the fees, and liberties of the duchy of *Lancaster*, within which fees and liberties the commissioners shall be named, and commissions made, as is afore or-
dained

damned by this act; any thing contained in the said act, or in and explained by 3 Jac. 1. thereof notwithstanding. (3) This act to endure for twenty years. c. 14.

CAP. VI.

For obligations to be taken by two chief justices, the mayor of the staple, and the recorder of London.

FORASMUCH as the mayors of the staple in divers places of this realm, where any staple is kept, in the presence of the constables of the same staple before this time have and might lawfully take recognisance or knowledge for debts, only concerning and touching the merchandise of the same staple, betwixt merchant and merchant of the same staple, according to divers laudable statutes and provisions before this time had, ordained, and made; (1) which mayors and constables, many and sundry times since the making of the same statute, having taken divers recognisances and knowledges of divers of the King's subjects for debts, surmising the same knowledge or recognisance to be made for surety of payment of sums of money for such wares as were or have been bought in the same staple; whereof troth the same recognisance did not in any wise touch or concern the merchandise of the same, ne also the parties, that is to say, the cognisor, ne the cognisee, that did knowledge and take the same recognisances, were merchants of the same staple; (2) which recognisances and knowledges, taken in form aforesaid, are not only clear contrary to the true meaning and intent of the same former estatutes, but also thereby divers great and sundry inconveniencies, damages, and deceits do daily arise and grow to divers of the subjects of our sovereign lord the King, by reason of the misusing of the same; and forasmuch as the King's highness, of his most high wisdom, perceiveth the misusing and execution of the same to be contrary to the form of the said former statutes, therefore his pleasure is, that some true, lawfull, and reasonable bond, for surety of payment of the debts of his subjects, shall be made and devised by true and just means, which in itself may and shall purport right and equity, and also consonant to reason.

II. In consideration whereof, by the assent of the King's highness, his lords spiritual and temporal, and his commons, in this present parliament assembled, and by the authority of the same, it is enacted, ordained, and established, That from the first day of April next coming, the chief justice of the King's bench, and the chief justice of the common pleas, which now be, or at any time hereafter shall be, and every of them by himself, and in their absence out of the term, the mayor of the staple of Westminster, and the recorder of the city of London, for the time being, jointly together, by his or their discretions, shall have full power and authority to take recognisances or knowledges of every of the King's subjects for the payment of debts, according to such form as hereafter ensueth:

(2) *Noverint universi per present' me A. B. & C. D. armig' teneri & firmiter obligari Johanni at Style in C. li. sterling' solvend' eidem Johanni aut suo certi attorney' hoc scriptum ostend' hared' vel ex-*

ecus'

Before whom
recognizances
of debt shall
be made, and
the form, &c.
statutes of the
staple were
devised only
for merchan-
dises of the
staple, be-
tween mer-
chant and
merchant.

Who may take
recognizance
in the nature
of a statute
staple.
Co. pl. f. 12.
1 Mod. 185.
Co. Lit. 289. b.
Hob. 195.

The form of
the recogni-
zance.

ecut' ſuis in tal' feſt' &c. prox' futur' poſt dat' præſentium; & ſi deſecero vel deſecerimus in ſolutione debiti prædicti volo & concedo; vel ſic, volumus & concedimus, quod tunc currat ſuper me, hæred' & executor' meos, vel ſuper nos & quemlibet noſtrum, hæred' & executor' noſtros pœna in ſtatuto ſcapulæ de debiti pro merchandiſis in eadem emptis recipiend' ordinat' & provis' dat' tal' die anno regni regis, &c.

By what ſeals
the ſame obli-
gation ſhall be
ſealed.
Vaughan, 102.

III. And that every obligation that ſhall be made as is aforeſaid, and knowledged before any of the ſaid chief juſtices, or the ſaid mayor and recorder, according to this act, ſhall be ſealed with the ſeal of the party or parties that ſhall recognize or knowledge the ſame, and alſo with ſuch ſeal as the King's highneſs ſhall ordain and appoint for the ſame, and with the ſeal of one of ſuch of the ſaid juſtices, or with the ſeals of the ſaid mayor and recorder, and with his or their name or names ſubſcribed, that ſo ſhall take the ſame recognizance or knowledge; (2) and that every of the ſaid two juſtices, and the ſaid mayor and recorder, ſhall have the cuſtody of one ſuch ſeal, by the King's highneſs to be appointed, with one like print, ſcripture, and faſhion, which ſhall ſeverally remain with them to the intent above rehearſed.

The clerk of
the recogni-
zances ſhall in-
roll them, and
ſhall dwell in
London.
Hob. 221.
By 8G.i.c.25.
there ſhall be
three ſhall be
three rolls,
&c.

IV. And further be it enacted by the authority aforeſaid, That ſuch an honeſt and diſcreet perſon as ſhall be assigned by the King's highneſs or the ſufficient deputy or deputies of the ſame perſons ſo to be assigned, ſhall make and write all ſuch obligations as ſhall be acknowledged and recognized by authority of this act, and ſhall cauſe the ſame obligations recognized, and acknowledged in form as is aboveſaid, to be inrolled in two ſeveral rolls indented, whereof one ſhall remain with ſuch of the ſaid juſtices, or with the ſaid mayor and recorder, that ſo ſhall take the ſame recognizance in form aforeſaid, and the other roll with the writer thereof, appointed for the ſame; (2) and that the ſaid perſon by the King's highneſs to be appointed for making, writing, and inrolling ſuch obligations, or his ſufficient deputy or deputies, ſhall be dwelling or abiding in the ſaid city of London, upon pain to forfeit for every time that he and his deputy ſhall be abſent by the ſpace of two days, ten pounds.

Certificate of
the recogni-
zance in the
chancery.

V. And further it is enacted by authority aforeſaid, That the ſaid perſon ſo to be assigned by the King's highneſs to write, make, and inroll ſuch obligations, or his ſufficient deputy or deputies, at the requeſt of the creditors, their executors or administrators, ſhall certify ſuch obligations as ſhall be taken and recognized by authority of this act, into the King's court of chancery, under the ſeal of the ſaid perſon ſo to be appointed for writing, making, and inrolling ſuch obligations.

3 Inſt. 290.

VI. And that every perſon and perſons to whom any ſuch obligation ſhall be made, knowledged, and inrolled (as is aforeſaid) their executors and administrators, and the executors and administrators of every of them, for default of payment of the debts contained in ſuch obligations, ſhall have in every point, degree, and condition, againſt the ſaid recognizer and recog-
nizers,

nizors, and every of them, their heirs, executors, and administrators, and the heirs, executors, and administrators of every of them like proceſs, execution, commodity, and advantage in every behalf, as hath been uſed and accuſtomed before this time to be had, done, or made, of and upon any obligation of the ſtatute of the ſtaple, and under ſuch manner and form, as is for the ſame ſtatute of the ſtaple provided, (2) paying for ſuch proceſs and execution to be had, ſuch like fees as is accuſtomed for proceſs and execution to be had upon obligations of the ſame ſtatute of the ſtaple, and not above.

VII. And that every ſuch perſon and perſons that ſhall be bounden, or otherwiſe grieved by virtue of any obligation to be made by authority of this act, ſhall have their like remedy by *Audita querela*, and all other remedies in the law, that they might have had in caſe they had been bounden by obligation of the ſtatute of the ſtaple.

Execution upon a recognizance acknowledged according to this ſtatute.

Where the recognizor ſhall be relieved by *audita querela*.

VIII. And that every ſuch perſon and perſons that ſhall have proceſs for execution to be had by reaſon of any ſuch obligation to be made and knowledged according to this act, ſhall pay to the King's highneſs, his heirs, or ſucceſſors, at the time of enſealing of the proceſs for execution to be had, one half-penny for every pound that ſhall be contained in the obligation, whereof execution ſhall be required, and not above.

The King ſhall have 1 ob. in the pound upon execution ſued. Altered by 1 G. 1. c. 25. f. 5.

IX. And that every ſuch perſon and perſons that ſhall happen to have any execution of any lands, tenements, or hereditaments, by reaſon of any ſuch obligations to be made and knowledged (as is aboveſaid) their executors, administrators, or assigns, and the executors, administrators, and assigns of every of them, if they, or any of them being put out or diſſeiſed, ſhall have like remedy in every point and condition, as perſons having execution in and upon any ſtatute of the ſtaple, after execution to them had, may or might have, by virtue of the ſaid writing obligatory of the ſtatute of the ſtaple, and execution of the ſame.

The remedy for tenant by recognizance being diſſeiſed.

X. And further be it enacted by the authority aforeſaid, That every of the ſaid juſtices, and the ſaid mayor and recorder, before whom any ſuch obligations ſhall be recognized, ſhall take for every knowledge of every one ſuch recognizance iii. s. iv. d. and not above; (2) and the clerk that ſhall write, make, and inroll the ſame obligations, iii. s. iv. d. (3) and for the certificate of every one ſuch obligation xx. d. (4) and if any of the ſaid juſtices, mayor, recorder, or clerk, take of any of the King's ſubjects above the ſum or ſums to them limited by this eſtatute, that then the ſaid juſtices, mayor, recorder, or clerk, that ſo ſhall take contrary to the form aforeſaid, ſhall forfeit for every time ſo offending xl. li.

The juſtices clerk's fees upon every recognizance.

XI. And further it is enacted by the authority aforeſaid, That from the ſaid firſt day of April, no mayor or conſtable of the ſtaple, for the payment of any ſum or ſums of money, take any knowledge or recognizance of the ſaid ſtatute of the ſtaple, of any of the King's ſubjects, upon pain to forfeit for every

In what caſes recognizances of ſtatute ſtaple may be taken by the mayor and

every

conſtables of
the ſtaple, and
in what not.

every time ſo offending, xl. li. the one moiety of all and ſingular the ſaid penalties to be to the King's highneſs, and the other moiety to the party that will ſue for the ſame; (2) for the recovery whereof, the party that will purſue ſhall have his remedy by information, action of debt, bill, or plaint in any of the King's courts, in which no eſſoin, protection, nor wager of law ſhall be admitted. (3) Provided alway, That this act, nor any thing therein contained, be in any wiſe prejudicial or hurtful to any mayor and conſtables of the ſtaple for any bond or writing of the ſtatute of the ſtaple to be taken or received between merchants being free of the ſame ſtaple, for merchandiſe of the ſame ſtaple between them lawfully bought and ſold.

Recognizances taken before the ſtatute 11 Ed. 1. Acton Burnell.
13 Ed. 1. ſtat. 1. c. 45.
27 Ed. 3. ſtat. 2. c. 9.
27 Ed. 3. c. 4. f. 7.

XII. Provided alſo, and be it enacted by the authority aforeſaid, That all recognizances before this time taken before the mayor and conſtables of any of the ſaid ſtaples, whereof the ſums now be not paid, nor otherwiſe contented, lawfully avoided, and diſcharged by the law, ſhall be as good and effectual as though they had been verily made for merchandiſe of the ſame ſtaple, and between merchant and merchant of the ſame ſtaple, and as they ſhould have been, if this act had never been had ne made.

CAP. VII.

The ſtatutes of 5 R. 2. ſtat. 1. c. 3. 6 R. 2. c. 7. 4 H. 7. c. 10. touching the bringing of *Gaſcon* or *Guien* wines, or *Toulouſe* oſe, into this realm by ſhips only of *England*, *Ireland*, or *Wales*, and by only maſters and mariners of the ſame countries, confirmed. No perſon ſhall lay on land, out of a ſhip, any *French* wine between the feaſt of *St. Michael* and the *Purification*, upon pain of forfeiture thereof. No perſon ſhall ſell by retail any *French* wines above viii. d. the gallon viz. i. d. the pint; nor any malneſey, ſack, rumney, or other ſweet wine, above xij. d. the gallon. The prices of the tun, butt, pipe, and hoghead of the ſaid wines ſhall be aſſeſſed by the King's great officers. The contents and gauging the ſaid veſſels.—*To continue unto the laſt day of the next parliament.*

EXP.
26 H. 8. c. 104.
28 H. 8. c. 14.
32 H. 8. c. 14.

CAP. VIII.

The bill for the havens in the weſt parts.

How certain
havens in
Cornwall and
Devonſhire
may be a-
mended.
27 H. 8. c. 23.
The great eaſe
and benefit
which this
realm and
others re-
ceived by the
havens of

Plenteouſly ſhoweth, and complaineth unto the King our ſovereign lord, and to the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, the inhabitants of the towns and ports of *Plymouth*, *Dartmouth*, and *Teignmouth*, in the county of *Devonſhire*, *Falmouth*, and *Foway*, in the county of *Cornwall*, That where the ſaid ports have been in ſome paſt the principal and moſt commodious havens and ports within this realm for the road, ſurety, and preſervation of ſhips reſorting from all places of the world, as well in peril of ſtorms as otherwiſe. (2) For where before this time all manner of ſhips being under the portage of eight hundred tun, reſorting unto any of the ſaid ports or havens, might at the low water eaſily enter into the ſame, and there lie in ſurety, what wind or tempeſt ſoever did blow,

blow, by reaſon whereof not only a great multitude of ſhips, as well Plymouth, Dartmouth, &c. of this realm, as of other regions and countries, before this time have been preſerved and ſaved, but alſo in time of war the ſaid havens and ports have been the greateſt fortification and defence of that part of this realm, and the ſpecial preſervation of the great part of the navy of the ſame: (3) Which ſaid ports and havens been at this preſent time in manner utterly decayed and deſtroyed by mean of certain, tin-works, called ſtream-works, uſed by certain perſons within the ſaid counties; which perſons more regarding their own private lucre, than the common wealth and ſurety of this realm, have by working of the ſaid ſtream-works, digging, ſearching, and waſhing of the ſame near unto the freſh rivers, waters, and low places, deſcending and coming out of the lands towards and into the ſaid ports and havens to the ſea, conveyed by the force of the ſaid freſh rivers a marvellous great quantity of ſand, gravel, ſtone, robel, earth, ſlime, and ſilt into the ſaid ports and havens, and have ſo filled and choaked the ſame, that where before this time a ſhip of the portage of eight hundred tun, as is aforeſaid, might have eaſily entred at a low water into the ſame, now a ſhip of an hundred can ſcantly enter at the half flood, to the decay and utter deſtruction of the ſaid havens and ports, and alſo to the ruin and utter undoing of all the good towns within the ſaid counties of Devonſhire and Cornwall, if remedy be not in that caſe ſpeedily provided: (4) For reformation whereof, be it enacted by the King our ſovereign lord, the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, That no perſon or perſons hereafter ſhall labour or work, or cauſe to be laboured or wrought, in any manner of tin-works, called *Stream-works*, within the ſaid counties of *Devonſhire* and *Cornwall*, nigh to any of the ſaid freſh waters, rivers, or low places, deſcending or having courſe unto the ſaid havens or ports, or any of them, nor ſhall labour, dig, or waſh any tin in any of the ſaid tin-works called *Stream-works*, unleſs the ſaid digger, owner, or waſher ſhall make, or cauſe to be made, ſufficient hatches and ties in the end of their buddles and cords, and therein put and lay, or cauſe to be put and laid, all the ſand, ſtones, gravel, and robel digged about the inſearching, finding, and waſhing of the ſaid tin, there to be wholly and ſurely kept by the ſaid hatches and ties, out and from the ſaid freſh rivers and water-courſes, or any of them, ſo that the ſaid ſand, ſtones, gravel, and robel, ne any part thereof, be for lack of ſuch hatches or ties conveyed into the ſaid ports and havens, or any of them, (5) upon pain to forfeit for every time that any owner or tin-ner ſhall dig or waſh, or cauſe to be digged or waſhed, any tin contrary to the form aforeſaid, x. li. the one half thereof to be to the uſe of our ſovereign lord the King, and the other half thereof to be to any of the inhabitants of the ſaid ports, towns, or havens, that will ſue for the ſame in any of the King's courts by original writ, bill, plaint, information, or otherwiſe, wherein the defendant ſhall not be admitted to wage his law, ne any protection or eſſoin ſhall be allowable.

The cauſe of the decay of the aforeſaid havens.

A remedy to maintain them for the future.

Penalty on offenders, and to whom applied, &c. The penalty enlarged by 27 H. 8. c. 23. ſ. 2.

The remedy
if any person
be troubled in
the stannary
for prosecu-
ting according
to this statute.

II. And be it further enacted by the authority aforesaid, That if any person or persons shall happen to be sued, accused, indicted, imprisoned, amerced, condemned, or otherwise vexed or troubled in his person, lands, tin-works, goods, or chattels, by any of the ministers or officers of any of the King's court of stannary, or by any other person or persons, for pursuing or attempting any suit or action according to this estatute, against such person or persons as shall offend contrary to the form aforesaid, that then all such suits, accusations, indictments, imprisonments, actions, condemnations, fines, amerciaments, and every other act or acts to be done in any of the said courts of stannary, or elsewhere, by any person or persons, against any person or persons, for suing or attempting any suits or actions by virtue of this estatute, shall be utterly void and of none effect in the law; (2) and that the parties sued, indicted, accused, imprisoned, or otherwise grieved or molested, for pursuing against any person or persons offending this estatute, shall have his action and remedy grounded upon this estatute by original writ, bill, plaint, information, or otherwise, in any of the King's courts, against such as shall procure or attempt to vex, trouble, or otherwise molest any such person or persons for suing or pursuing for the forfeitures aforesaid, and shall recover treble damages in that behalf; and the party defendant shall not be admitted to wage his law, ne any protection, essoin, or privilege shall be to him allowable; (3) and if it shall happen any person or persons for pursuing any suit or action upon this estatute, or by occasion of the same, hereafter to be imprisoned by any manner of person or persons, being officers or ministers of the stannary, their deputies, or substitutes, that then every of the justices of peace within any of the counties aforesaid, wherein the said prisoner shall happen to be committed to prison, upon credible information thereof, taking surety by his discretion, for appearance of such prisoner at the next general sessions of peace, shall have power and authority, as well to direct his warrant to the gaoler, or keeper of the prison, as to any other person or persons to whom the said prisoner shall be committed unto, commanding him or them, upon pain of forfeiture of xl. li. to deliver, and put at large the said prisoner or prisoners; (4) which if he refuse so to do, then every such offender shall lose and forfeit the said xl. li. the one half of which forfeiture to be to the use of our sovereign lord the King, and the other half to him that is grieved by reason of such imprisonment, to be recovered in manner and form aforesaid; (5) and the defendant in any action or suit for the same, shall not wage his law, ne have any essoin or protection allowed; (6) and if it shall appear, upon the appearance of such prisoner at the quarter sessions, by examination of the justices of peace there being, that he was imprisoned contrary to the form of this estatute, that then he shall be forthwith dismissed, and thereby discharged; and if he were lawfully imprisoned for any other just

The forfeiture
of the offend-
er, and the
mean to re-
cover it..

cause

cause, then to be remanded to prison by the discretion of the said justices.

III. Provided alway, That this act, or any thing therein contained, be not in any wise prejudicial or hurtful to any of the officers of the stannary, ne to any of their lawful, liberties, privileges, usages, laws, or customs, saving only in the cases and provisions contained and limited within this present act, which shall alway be put in execution according to the tenor of this act; any usage, custom, privilege, ordinance, or liberty to the contrary thereof notwithstanding.

IV. And it is enacted, That this act shall begin to take effect from the feast of St. Michael the archangel next coming, and not before.

C A P. IX.

An act that no person shall be cited out of the diocese where he or she dwelleth, except in certain cases.

WHERE great number of the King's subjects, as well men, wives, servants, as other the King's subjects, dwelling in divers dioceses of this realm of England, and of Wales, heretofore have been at many times called by citations, and other processes compulsory, to appear in the arches audience, and other high courts of the archbishops of this realm, far from, and out of the diocese where such men, wives, servants, and other the King's subjects been inhabitant and dwelling, (2) and many times to answer to surmised and feigned causes, and suits of defamation, withholding of tithes, and such other like causes and matters, which have been sued more for malice, and for vexation, than for any other just cause of suit.

II. And where certificate hath been made by the summoner, apparitor, or any such light literate person, that the party against whom any such citation hath been awarded, hath been cited or summoned, and thereupon the same party, so certified to be cited or summoned, hath not appeared according to the certificate, the same party therefore hath been excommunicated, or at the least suspended from all divine service; (2) and thereupon, before that he or she could be absolved, hath been compelled, not only to pay the fees of the court whereunto he or she was so called by citation, or other process, amounting to the sum of ii. s. or xx. d. at the least; but also to pay to the summoner, apparitor, or other light literate person, by whom he or she was so certified to be summoned, for every mile being distant from the place where he or she then dwelled, unto the same court whereunto he or she was so cited or summoned to appear, ii. d. to the great charge and impoverishment of the King's subjects, and to the great occasion of misbehaviour and misliving of wives, women, and servants, and to the great impairment and diminution of their good names and honesties: (3) Be it therefore enacted by the King our sovereign lord, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That no manner person shall be from henceforth cited, or summoned, or otherwise called to appear by himself, or herself, or by any procurator, before any ordinary, arch-
 1. Bult. 72.
 2. No person shall be cited out of the diocese where he dwelleth, but in certain cases.
 3. Carth. 33. 476.
 4. Mod. 211.
 5. Salk. 548.
 6. Co. pl. f. 364.
 7. Latch. 174.
 8. 12 Co. 77.
 9. 13 Co. 4.
 10. Hetley 19,
 11. deacon, 118.

This act shall not be prejudicial to the officers or liberties of the stannaries.

Hob. 17, 178, 186.

Palmer, 488.
Godbolt, 214.
pl. 306.
Cro. Jac. 321.
483.
Cro. Car. 97.
339-

* From the verb
Foreſlow, to
neglect.

deacon, commiſſary, official, or any other judge ſpiritual, out of the dioceſe, or peculiar juriſdiction where the perſon which ſhall be cited, ſummoned, or otherwiſe (as is aforeſaid) called, ſhall be inhabiting and dwelling, at the time of awarding, or going forth of the ſame citation or ſummons; (4) except that it ſhall be for, in, or upon any of the caſes or cauſes hereafter written; that is to ſay, for any ſpiritual offence, or cauſe committed or done, or omitted, * forſewed, or neglected to be done, contrary to right or duty, by the biſhop, archdeacon, commiſſary, official, or other perſons having ſpiritual juriſdiction, or being a ſpiritual judge, or by any other perſon or perſons within the dioceſe, or other juriſdiction, whereunto he or ſhe ſhall be cited, or otherwiſe lawfully called to appear and answer.

Hetley, 49.
1 Roll, 136, 174.
328.

III. And except alſo it ſhall be by or upon matter or cauſe of appeal, or for other lawful cauſe, wherein any party ſhall find himſelf or herſelf grieved or wronged by the ordinary judge or judges of the dioceſe or juriſdiction, or by any of his ſubſtitutes, officers, or miniſters, after the matter or cauſe there firſt commenced, and begun to be ſhewed unto the archbiſhop, or biſhop, or any other having peculiar juriſdiction, within whoſe province the dioceſe or place peculiar is; (2) or in caſe that the biſhop, or other immediate judge or ordinary dare not, nor will not convent the party to be ſued before him; (3) or in caſe that the biſhop of the dioceſe, or the judge of the place, within whoſe juriſdiction, or before whom the ſuit by this act ſhould be commenced and proſecuted; be party directly or indirectly to the matter or cauſe of the ſame ſuit; (4) or in caſe that any biſhop, or any inferior judge having under him juriſdiction in his own right and title, or by commiſſion, make requeſt, or inſtance to the archbiſhop, biſhop, or other ſuperior ordinary or judge, to take, treat, examine, or determine the matter before him, or his ſubſtitutes, (5) and that to be done in caſes only where the law civil or canon doth affirm execution of ſuch requeſt, or inſtance of juriſdiction, to be lawful or tolerable:

The forfeit of
an ordinary
offending
againſt the
purport of
this ſtatute.

(6) upon pain of forfeiture to every perſon by any ordinary, commiſſary, official, or ſubſtitute, by virtue of his office, or at the ſuit of any perſon to be cited, or otherwiſe ſummoned, or called contrary to this act, of double damages and coſts for the vexation in that behalf ſuſtained, to be recovered againſt any ſuch ordinary, commiſſary, archdeacon, official, or other judge, as ſhall award or make proceſs, or otherwiſe attempt or procure to do any thing contrary to this act, by action of debt, or action upon the caſe, according to the courſe of the common law of this realm in any of the King's high courts, or in any other competent temporal court of record, by original writ of debt, bill; or plaint; (7) in which action, no protection, other than ſuch as ſhall be made under the King's great ſeal, and ſigned with his ſign manual, ſhall be allowed, neither any wager of law, nor eſſoin ſhall be admitted; (8) and upon pain of forfeiture for every perſon ſo ſummoned, cited, or otherwiſe called

called (as is abovesaid) to answer before any spiritual judge out of the diocese, or other jurisdiction where the said person so dwelleth, or is resident or abiding, x. li. sterling: the one half thereof to be to the King our sovereign lord, and the other half to any person that will sue for the same in any of the King's said courts, or in any other the said temporal courts, by writ, information, bill, or plaint; (9) in which action no protection shall be allowed, nor wager of law or essoin shall be admitted.

IV. Provided always, That it shall be lawful to every archbishop of this realm to call, cite, and summon any person or persons inhabiting or dwelling in any bishop's diocese within his province, for causes of heresy, if the bishop or other ordinary immediate thereunto consent, or if that the same bishop, or other immediate ordinary or judge do not his duty in punishment of the same.

An archbishop may cite for heresy in another bishop's diocese.

3 Inst. 39. 42.
1 Salk. 135.

V. Provided also, That this act shall not extend in any wise to the prerogative of the most reverend father in God the archbishop of *Canterbury*, or any of his successors, of or for calling any person or persons out of the diocese where he or they be inhabiting, dwelling, or resident, for probate of any testament or testaments, any thing in this act contained to the contrary notwithstanding.

Proviso for the probate of testaments in the province of Canterbury.

VI. And be it further enacted by authority aforesaid, That no archbishop, nor bishop, ordinary, official, commissary, or any other substitute or minister of any of the said archbishops, bishops, archdeacons, or other having any spiritual jurisdiction, at any time from the Feast of *Easter* next coming, shall ask, demand, take, or receive of any of the King's subjects, any sum or sums of money for the seal of any citation, after the said feast to be awarded or obtained, than only iii d. sterling, upon the pains and penalties before limited, contained, and expressed in this present act, to be in like form recovered, as is aforesaid.

The fees for the seal of a citation.

VII. Provided always, That this act be not in any wise hurtful or prejudicial to the archbishop of *York*, nor to his successors, of, for, or concerning probate of testaments within his province and jurisdiction, by reason of any prerogative; any thing in this act to the contrary thereof notwithstanding.

Proviso for the probate of testaments in the province of York.

Rep. 1 & 2. Ph. & M. c. 8.
Revised by 1 Ed. c. 26. 1520.

CAP. X.

An act for feoffments and assurances of lands and tenements made to the use of any parish church, chapel, or such like.

WHERE by reason of feoffments, fines, recoveries, and other estates, and assurances, made of trusts, of manors, lands, tenements, and hereditaments, to the use of parish churches, chapels, church-wardens, guilds, fraternities, commonalties, companies, or brotherhoods erected and made of devotion, or by common assent of the people without any corporation, and also by reason of feoffments, fines, recoveries, wills, and other acts made to any uses aforesaid, or to the uses and intents to have obites perpetual, or a continual service of a priest for ever, or for threescore, or fourscore years, foundation of the issues and

Feoffments and assurances of lands, tenements, &c. to churches, commonalties, &c. found prejudicial to the King and his subjects, as if they were aliened in mortmain.

and profits of the manors, lands, tenements, and hereditaments, whereof such feoffments, fines, recoveries, wills, and other acts been made, or that the feoffees, conisees, recoverers, or other persons, and their heirs thereof seised, shall take, levy, receive, and perceive, or cause or suffer to be taken, levied, and perceived the issues, revenues, and profits thereof, and the same to dispose, pay, convert, or otherwise employ or suffer, or cause to be disposed, paid, converted, or employed in any such uses, intents, or purposes, as been above specified or to any other like uses and intents; there groweth and issueth to the King our sovereign lord, and to other lords and subjects of the realm, the same like losses and inconveniencies, and is as much prejudicial to them, as doth, and is, in case where lands be aliened into mortmain :

Assurances of
lands to
churches,
chapels, &c.
shall be void.
Cro. El. 288.
11 Co. 71.

II. Be it therefore enacted by the King our sovereign lord, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That all and every such uses, intents, and purposes, of what name, nature or quality they shall be called, that shall be devised, covenanted, made, declared, or in any wise ordained after the first day of *March*, in the three and twentieth year of the reign of our sovereign lord King *Henry* the eighth, by any feoffee, recoverer, or conisee, or by any other person or persons to whose use any such feoffee, recoverer, or conisee shall be seised, of any manors, lands, tenements, or hereditaments, or of the issues, revenues, and profits of them, or any of them, shall be utterly void, and of no strength, virtue, nor effect in the law.

Proviso for
assurances of
lands to
churches, &c.
for xx. years.

III. Provided alway, That it shall be lawful to every person, being seised of any manors, lands, tenements, or hereditaments to his own proper use, or having feoffees, recoverers, or conisees to his use, to make, ordain, or devise, or cause to be made, ordained, or devised, any of the uses, intents, or purposes above specified, in such manner as they might have done before the making of this act, and as if this act had never been had ne made; (2) so that no such uses, intents, or purposes to be so made, ordained or devised after the said first day of *March*, be not in any wise made, ordained, devised, or appointed, to endure, continue, or abide by any craft, colour, terms, sentences, clauses, words, or other means, above the term of twenty years next after the first making and beginning of any such uses, intents, or purposes.

Collateral as-
surances in de-
frauding of
the statute
shall be void.

IV. And it is further enacted, That if any person or persons, in defraud of this statute, bind or ordain any their heirs or successors, or any other person or persons, that they shall suffer such uses, intents, and purposes to endure and continue, contrary to this act, upon pains or penalties of losses of any other lands, tenements, or hereditaments, or of any other thing or things; or do attempt or devise by any colour, craft, or means, any thing or things, to make any such uses, intents, or purposes to be declared, contrary to the true meaning of this act, to continue or abide for any longer time or season than is above limited for the same; that then every such pain, penalty, craft, colour, and every other thing and things, of what kind, nature, or quality soever it be that shall be so made, ordained, or devised in defraud of this act,

act, shall be utterly void in the law to all intents; and that this statute shall be always interpreted and expounded, as beneficially as may be, to the destruction and utter avoiding of such uses, intents, and purposes therein above remembered, and of all other like uses and intents, otherwise than only after such manner as is afore by this present act provided.

V. Provided alway, That in such cities, and towns corporate, where by their ancient customs they have good and lawful authorities to devise into mortmain the lands, tenements, and hereditaments, within the same cities or towns corporate, that this act shall not be in any wise prejudicial or hurtful to any such custom.

Customs in cities and towns to devise lands, saved.

VI. Provided alway, That this act, ne any thing therein contained, shall extend, or be in any wise prejudicial, to hinder or impair any such ordinances, devices, or declarations of uses, as shall hereafter be made and declared in writing, by the executors of the testaments and last wills of *Robert Jannis* and *John Terry*, late aldermen of the city of *Norwich*, now deceased, or by the executors or the survivor of the executors of either of them, of any lands, tenements, or hereditaments, not amounting in the whole above the clear yearly value of forty pounds, to be employed and converted to and for the discharge of tolls and customs within the said city, and at the gates of the same, for the discharge of the poor people within the same city, of taxes and tallages hereafter to be assessed and levied, and for the cleansing of the streets of the same city, or for any of the said good purposes, according to the true intents and meanings of the said last wills and testaments, and either of them; so that the same ordinances, devices, and declarations be had, made, and certified in writing into the King's court of *Chancery*, within two years next ensuing the feast of *Easter* next coming.

Proviso for the devises of the executors of Jannis and Terry of the city of Norwich.

7 & 8 W. 3.
c. 37.
9 Geo. 2. c. 36.

CAP. XI.

An act for clerks convict breaking prison.

WHERE divers persons being convict of murder or felony, having the privilege of their clergy, and delivered to the ordinaries, afterwards wilfully break the prisons of the ordinaries, and escape their ways, doing and committing great, horrible, and detestable offences; and as hitherto for such wilful breaking of prisons of ordinaries by clerks convict, hath not been provided any great penalty, whereby they should stand in dread of doing the same: (2) Be it therefore enacted by authority of this present parliament, That if any clerk convict, being in prison of any ordinary, wilfully break the said prison, and escape his way out of the same, that then every such breaking of prison and escape, shall be from henceforth deemed and adjudged felony, and the offender therein shall have and suffer such pain of death and penalty, and loss of his lands and goods, as for other felonies is accustomed by the laws of this realm, and shall not in any wise be admitted to have

Ed. 1. c. 2.

It is felony for a clerk convict, being in the ordinary's prison, to break the same.
Rep. 1 Ed. 6.
c. 12.

the privilege or benefit of his clergy, nor enjoy any sanctuary for the same.

They which be in holy orders, shall be delivered to the ordinary. Altered 28 H. 8. c. 1.

The ordinary may disgrace a clerk convicted, and send him, to the King's bench.

23 H. 8. c. 1.

II. Provided alway, That if any such offender be within holy orders, that is to say, of the orders of subdeacon, deacon, or priesthood, that then after he is convicted of the premises, he shall be delivered to the ordinary, there to remain without any purgation.

III. And it is enacted, That it shall be at the liberty of the ordinary, to disgrace any such offender after he is found guilty, and delivered to him as a clerk convicted, and send him before the King in his bench, with letters witnessing the said disgrading, (2) and thereupon the justices of the King's bench, having the record of his conviction, shall have power and authority to give judgment against every such offender, being convicted and disgraded, that he shall suffer death, like as they might do in case the same offender had been a lay-man, and arraigned, and found guilty afore them of the said offence, the delivering of such offender afore to the ordinary notwithstanding.

C A P. XII.

An act for the exaction of tolls by the Severn side.

WHERE the King's subjects, passing upon the river and water of Severn, have used time out of mind, to have and use a certain path of one foot and a half broad on every side of the said river, for drawing up by lines or ropes, their trows, barges, boats, and other vessels passing or re-passing on the said river of Severn, with wine, or any other merchandise, without any imposition, tax, or toll to be demanded of them that should carry wine in any of the said vessels, for the said passing and drawing in the said paths accustomed, till now of late certain covetous persons have perturbed and interrupted many of the King's subjects, haling and drawing up their vessels in the said paths, taking of them fines, and draughts, and bottles of wine, and yet daily use to take, to the disturbance and loss to many of the King's subjects:

II. Be it therefore enacted by the King our sovereign lord, and the lords spiritual and temporal, and the commons, in this present parliament assembled, That no person or persons interrupt by any obstacle, let, or otherwise, any person or persons passing or re-passing, over and upon every of the said paths accustomed, nor also ask, take, or demand any toll, called a draught, or bottle of wine, or any other tax or imposition of any of the King's subjects there going in the said paths accustomed, upon every side of the river of *Severn*, there haling or drawing their boats, trows, or vessels, (2) upon pain to forfeit for every time that he or they so shall interrupt any of the King's subjects, or ask or take any such imposition, by what name soever it be called, forty shillings; the one half thereof to be to the King our sovereign lord, and the other half to the party grieved, that will sue for the same by bill, plaint, information, or otherwise, in the which suit no essoin, wager of law, nor protection shall be allowed.

The penalty for hindering passengers upon the banks of the river of Severn, or for demanding of toll.

9 H. 6. c. 5.
19 H. 7. c. 18.

C A P. XIII.

An act for trial of murders in cities and towns.

FORASMUCH as trials in murders and felonies in cities, boroughs, and towns corporate within this realm, having authority to proceed in the deliverance of such offenders, been oftentimes deferred and delayed, by reason of challenge of such offenders, for lack of sufficiency of freehold, to the great hindrance of justice: (2) It may therefore be enacted by authority of this present parliament, That every person and persons, being the King's natural subject born, which either by the name of a citizen, or of a freeman, or any other name, doth enjoy and use the liberties and privileges of any city, borough, or town corporate, where he dwelleth and maketh his abode, being worth in moveable goods and substance to the clear value of forty pounds, be from henceforth admitted in trial of murders and felonies in every sessions and gaol-delivery, to be kept and holden in and for the liberty of such cities, boroughs, and towns corporate, albeit they have no freehold; any act, statute, use, custom, or ordinance to the contrary hereof notwithstanding.

Trial of felons in corporate towns shall be by men worth xl. li. in goods.

II. Provided alway, That this act do not extend, in any manner of wise, to any knight or esquire, dwelling, abiding, or resorting in or to any such city, town, or borough corporate, any thing in the same act mentioned or declared to the contrary hereof notwithstanding.

C A P. XIV.

Process of outlawry to lie in actions, on 5 RICH. 2. and in covenant and annuity.

FORASMUCH as there is great delay in actions of trespass brought upon the statute of Richard the Second, made in the fifth year of his reign, against them that make entries into any lands or tenements where their entry is not given by the law, and also in actions of annuity, and actions of covenant, because there lieth no process of outlawry in such nature of actions: (2) For reformation whereof, it may please the King's highness, by the advice of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, to ordain and enact, That like process be had hereafter in every action from henceforth to be brought upon the said statute of *Anno quinto*, as is in a common action of trespass at the common law, (3) and that also like process be had in every writ of annuity and covenant hereafter to be sued, as is in an action of debt.

Like process to be had in every writ of annuity and covenant, as in an action of debt.
5 R. 2. stat. 1. c. 8.
Br. Exigent, 22, 53, 63.
Br. Process, 124.
125.

CAP. XV.

An act that the plaintiff, being nonsuited, shall yield damages to the defendants in actions personal, by the discretion of the justices.

Hutt. 22, 69,
78.
1 Roll, 63.
2 Roll, 213.
Hetley, 146.
5 R. 2. Stat. 1.
C. 7.
8 El. c. 2.
2 Inst. 651.
Cro. El. 177,
300, 465, 503.
3 Bulstr. 248.
Moor, 625.
pl. 857.
Br. Cofts. 23.
3 Leon. 92.
1 Salk. 207.
Hob. 219.
2 Leon. 9, 52.
Where the
plaintiff is
nonsuit, &c.
the defendant
shall recover
costs.

Farther pro-
vision relating
hereto,
4 Jac. 1. c. 3.
Mod. Cases in
law, 344.

Dyer, 32.
371.
Bro. Cofts, 23.
He that sueth
in *Forma pau-
peris* shall be
otherwise pu-
nished.
2 Roll. 88. 1

BE enacted by the King our sovereign lord, and the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That if any person or persons, at any time after the feast of the *Purification* of our Lady, in the twenty third year of the reign of our sovereign lord King *Henry* the Eighth, commence or sue in any court of record, or elsewhere in any other court, any action, bill, or plaint, of trespass upon the statute of King *Richard* the Second, made in the fifth year of his reign, for entries into lands and tenements, where none entry is given by the law, (2) or any action, bill, or plaint of debt or covenant, upon any especialty made to the plaintiff or plaintiffs, (3) or upon any contract supposed to be made between the plaintiff or plaintiffs, and any other person or persons, (4) or any action, bill, or plaint of detinue of any goods or chattels, whereof the plaintiff or plaintiffs shall suppose that the property belongeth to them, or to any of them, (5) or any action, bill, or plaint of account, in the which the plaintiff or plaintiffs suppose the defendant or defendants to be their bailiff or bailiffs, receiver or receivers of their manor, mese, money, or goods, to yield account, (6) or any action, bill, or plaint upon the case, or upon any statute, for any offence or wrong personal immediately supposed to be done to the plaintiff or plaintiffs, (7) and the plaintiff or plaintiffs in any such kind of action, bill, or plaint, after appearance of the defendant or defendants be nonsuited, or that any verdict happen to pass, by lawful trial, against the plaintiff or plaintiffs in any such action, bill, or plaint, that then the defendant or defendants in every such action, bill, or plaint, shall have judgment to recover his costs against every such plaintiff or plaintiffs; (8) and that to be assessed and taxed by the discretion of the judge or judges of the court where any such action, bill, or plaint shall be commenced, sued, or taken; (9) and also that every defendant in such action, bill, or plaint shall have such process and execution for the recovery and having of his costs against the plaintiff or plaintiffs, as the same plaintiff or plaintiffs should or might have had against the defendant or defendants, in case that judgment had been given for the part of the said plaintiff or plaintiffs, in any such action, bill, or plaint.

II. Provided alway, That all and every such poor person or persons being plaintiff or plaintiffs in any of the said actions, bills, or plaints, which at the commencement of their suits or actions be admitted by discretion of the judge or judges, where such suits or actions shall be pursued or taken, to have their process and counsel of charity, without any money or fee paying for

for the same, shall not be compelled to pay any costs by virtue and force of this statute, but shall suffer other punishment, as by the discretion of the justices or judge, afore whom such suits shall depend, shall be thought reasonable, any thing afore rehearsed to the contrary hereof notwithstanding.

CAP. XVI.

It shall be felony to sell, exchange, or deliver to any *Scotishman*, or within *Scotland*, any horse, gelding, &c.

CAP. XVII.

For the winding of wool.

BE it enacted by the King our sovereign lord, and the lords spiritual and temporal with the commons, in this present parliament assembled, and by authority of the same, That from henceforth no manner of person ne persons do wind, or cause to be wound any fleece of wool being not sufficiently rivered or washed, (2) ne wind, nor cause to be wound within any fleece, clay, lead, stones; sand, tails, deceitful locks, cot, cals, comber, lambs wool, or any other thing, whereby the fleece may be the more weighty, to the deceit and loss of the buyer; (3) upon pain the seller of any such deceitful wools to forfeit for every such fleece vi.d. the one moiety to the King, the other to the finder and prover of the same deceit, by action of debt, by original writ, bill, plaint, information, or otherwise, in any of the King's courts, in which action no wager of law, essoin, or protection shall be allowed for the defendant.

II. Provided alway, That this act concerning rivering and washing of any wool, shall not in any wise extend to any shire or shires, the inhabitants whereof have not customably used before this time to river or wash their sheep afore they be shorn, (2) nor shall in any wise be hurtful or prejudicial to any person or persons that have used customably to sell their wools by tale or number of the fleece or fleeces, and not by the weight; any thing in this act to the contrary notwithstanding: (3) this act to endure to the next parliament.

CAP. XVIII.

For pulling down of piles and fish-garths in the rivers Ouse and Humber.

THE mayor, sheriffs, and commonalty of the city of York, and other the King's true subjects inhabiting and dwelling nigh unto the river of Ouse, and the water of Humber, and all other occupiers of the same river and water, lamentably complaining, shewn unto our sovereign lord the King, the lords spiritual and temporal, and the commons, in this present parliament assembled, That where the said city, being one of the most ancient cities of this realm, hath been much relieved, maintained, and supported by the said river of Ouse, and water of Humber, which be the common and direct passage and way from Hull unto York aforesaid, by

Rep. by Ed. 6.
c. 12. and re-
vived by 1 El.
c. 7. and re-
pealed by
4 Jac. 1. c. 1.

No wool shall
be wound that
is not suffici-
ently washed.

No deceitful
thing shall be
put in the
fleece.
8 H. 6. c. 25.

Counties
where wool
is not washed,
or where
fleeces be sold
by tale.
Continued by
33 H. 8. c. 17.
& 37 H. 8.
c. 23.
Made perpet-
tual by 13 El.
c. 25.

The inconveniences ensuing the setting of fish-garths, stakes, piles, &c. in Ouse and Humber.

reason that many ships, keyls, cogs, and boats, and other vessels have heretofore had their frank passages, without let, impediment, or interruption, in and upon the said river and water of Ouse, and Humber, from divers parts of this realm unto the said city, whereby the said city hath hitherto most chiefly been advanced; (2) and now of late certain persons, studying only for their own private lucre, not regarding the common weal, but daily imagining the utter destruction, ruin, and decay of the said city, and the countries adjoining upon the said river of Ouse, and water of Humber, and occupiers thereof, have, and daily do keep, preserve, and maintain certain engines for taking of fish in the said river and water of Ouse, and Humber, commonly called fish-garths, and set in the said river and water, in such places of the same where ships should have their liberal and direct passage, in the midst of the streams of the said river of Ouse and water of Humber, stakes, piles, and other things, in and upon the common passage for ships, keyls, cogs, boats, and other vessels, at divers and many places in the said river of Ouse, and water of Humber; by reason whereof, not only the said ships, keyls, cogs, boats, and other vessels are daily in jeopardy, and men, children, goods, and merchandises in the same, of late have been, and daily be like more to increase to be drowned, slain, and destroyed, but also the brood and fry of fish in the said river, and water of Ouse, and Humber, be commonly thereby destroyed and putrified, to the utter impoverishment and destruction of the said city, unless speedy remedy be in this behalf shortly provided:

A commission shall be directed to viij. persons to cause such fish-garths, piles, &c. set in the rivers Ouse and Humber to be pulled down. Two piles for water-marks shall be set up in the river. The lord chancellor may upon request grant the like commission at all times. No fish-garth or other engine shall be set up in Ouse or Humber. With what nets men shall fish. The forfeiture of the offenders, and who shall have it.

CAP. XIX.

The King's pardon to all his spiritual subjects within the province of York, and of all offences and penalties not herein excepted.

EXP.

CAP. XX.

An act concerning restraint of payment of Annates to the see of Rome.

Not in the printed Stat. Codex, Tit. 5. c. 1.

Great sums of money have been conveyed out of the realm, &c. for first-fruits of archbishopricks and bishopricks,

FORASMUCH as it is well perceived, by long approved experience, that great and inestimable sums of money have been daily conveyed out of this realm, to the impoverishment of the same; and especially such sums of money as the Pope's holiness, his predecessors, and the court of Rome, by long time have heretofore taken of all and singular those spiritual persons which have been named, elected, presented, or postulated to be archbishops or bishops within this realm of England, under the title of Annates, otherwise called first-fruits: which Annates, or first-fruits, have been taken of every archbishoprick, or bishoprick, within this realm, by restraint of the Pope's bulls, for confirmations, elections, admissions, postulations, provisions, collations, dispositions, institutions, installations, investitures, orders, holy benedictions

ditions, palles, or other things requisite and necessary to the attaining of (without those their promotions; and have been compelled to pay; before they could attain the same, great sums of money, before they might receive any part of the fruits of the said archbishopsrick, or bishopsrick, whereunto they were named, elected, presented, or postulated; by occasion whereof, not only the treasure of this realm hath been greatly conveyed out of the same, but also it hath happened many times, by occasion of death, unto such archbishops, and bishops, so newly promoted, within two or three years after his or their consecration, that his or their friends, by whom he or they have been holpen to advance and make payment of the said Annates, or first-fruits, have been thereby utterly undone and impoverished: and for because the said Annates have risen, grown, and increased, by an uncharitable custom, grounded upon no just or good title, and the payments thereof obtained by restraint of bulls, until the same Annates, or first-fruits, have been paid, or surety made for the same; which declareth the said payments to be exacted, and taken by constraint, against all equity and justice: the noblemen therefore of the realm, and the wise, sage, politick commons of the same, assembled in this present parliament, considering that the court of Rome ceaseth not to tax, take, and exact the said great sums of money, under the title of Annates, or first-fruits, as is aforesaid, to the great damage of the said prelates, and this realm; which Annates, or first-fruits, were first suffered to be taken within the same realm, for the only defence of christian people against the infidels, and now they be claimed and demanded as mere duty, only for lucre, against all right and conscience: insomuch that it is evidently known, that there hath passed out of this realm unto the court of Rome, sithen the second year of the reign of the most noble Prince, of famous memory, King Henry the Seventh, unto this present time, under the name of Annates, or first-fruits, payed for the expedition of bulls of archbishopsricks, and bishopsricks, the sum of eight hundred thousand ducats, amounting in sterling money, at the least, to eightscore thousand pounds, besides other great and intolerable sums which have yearly been conveyed to the said court of Rome, by many other ways and means, to the great impoverishment of this realm: and albeit, that our said sovereign the King, and all his natural subjects, as well spiritual as temporal, been as obedient, devout, catholick and humble children of God, and holy church, as any people be within any realm christned; yet the said exactions of Annates, or first-fruits, be so intolerable and importable to this realm, that it is considered and declared, by the whole body of this realm now represented by all the estates of the same assembled in this present parliament, that the King's Highness before Almighty God, is bound, as by the duty of a good christian prince, for the conservation and preservation of the good estate and common-wealth of this his realm, to do all that in him is to obviate, repress and redress the said abusions and exactions of Annates, or first-fruits: and because that divers prelates of this realm, being now in extreame age, and in other debilities of their bodies, so that of likelihood, bodily death in short time shall or may succeed unto them; by reason whereof great sums of money shall shortly after their deaths be conveyed unto the court of Rome, for the unreasonable and uncharitable causes aforesaid, to the univer-

which demands though made without any just title,

yet from the second H. 7. 160,000l. hath been paid for first-fruits,

besides other great sums;

and though the King and his subjects are obedient children of holy church.

yet the said exactions being intolerable, the estates have represented, that the King is bound to repress them; especially now when divers prelates are in extreame age,

sal damage, prejudice, and impoverishment of this realm, if speedy remedy be not in due time provided :

All such payments other than are declared in this act, shall cease,

and no person shall pay them, upon pain to forfeit goods, &c. to the King ;

and if any person is delayed, or denied his bulls at the court of Rome,

he shall be consecrated by his archbishop, being first named by the King ; and an archbishop being so letted, shall be consecrated by two bishops to be named by the King ;

(as divers heretofore have been)

II. It is therefore ordained, established, and enacted, by authority of this present parliament, That the unlawful payment of *Annates*, or first-fruits, and all manner contributions for the same, for any archbishoprick, or bishoprick, or for any bulls hereafter to be obtained from the court of *Rome*, to or for the aforesaid purpose and intent, shall from henceforth utterly cease, and no such hereafter to be paid for any archbishoprick, or bishoprick, within this realm, other or otherwise than hereafter in this present act is declared ; and that no manner person, nor persons hereafter to be named, elected, presented, or postulated to any archbishoprick, or bishoprick, within this realm, shall pay the said *Annates*, or first-fruits, for the said archbishoprick, or bishoprick, nor any other manner of sum or sums of money, pensions or *Annates* for the same, or for any other like exaction, or cause, upon pain to forfeit to our said sovereign lord the King, his heirs and successors, all manner his goods and chattels for ever, and all the temporal lands and possessions of the same archbishoprick, or bishoprick, during the time that he or they which shall offend, contrary to this present act, shall have, possess, or enjoy the archbishoprick, or bishoprick, wherefore he shall so offend contrary to the form aforesaid. And furthermore it is enacted, by authority of this present parliament, That if any person hereafter named and presented to the court of *Rome* by the King, or any of his heirs or successors, to be bishop of any see or diocese within this realm hereafter, shall be letted, deferred, or delayed at the court of *Rome* from any such bishoprick, whereunto he shall be so represented, by means of restraint of bulls apostolick, and other things requisite to the same ; or shall be denied at the court of *Rome*, upon convenient suit made, any manner bulls requisite for any of the causes aforesaid, any such person or persons so presented, may be, and shall be consecrated here in *England* by the archbishop, in whose province the said bishoprick shall be, so alway that the same person shall be named and presented by the King for the time being to the same archbishop : and if any persons being named and presented, as aforesaid, to any archbishoprick of this realm, making convenient suit, as is aforesaid, shall happen to be letted, deferred, delayed or otherwise disturbed from the same archbishoprick, for lack of pall, bulls, or other to him requisite, to be obtained in the court of *Rome* in that behalf, that then every such person named and presented to be archbishop, may be, and shall be, consecrated and invested, after presentation made, as is aforesaid, by any other two bishops within this realm, whom the King's highness, or any of his heirs or successors, Kings of *England*, for the time being, will assign and appoint for the same, according and in like manner as divers other archbishops and bishops have been heretofore, in ancient time, by sundry the King's most noble progenitors, made, consecrated, and invested within this realm : and that every archbishop and bishop hereafter, being named

and

and presented by the King's highness, his heirs or successors, after which, Kings of *England*, and being consecrated and invested, as is he shall be installed, and be asorefoaid, shall be installed accordingly, and shall be accepted, archbishop and bishop of taken, reputed, used, and obeyed, as an archbishop or bishop of the dignity, see or place whereunto he so shall be named, presented, and consecrated, requireth; and as other like prelates of the province, see, or diocese, have been used, accepted, taken, and obeyed, which have had, and obtained compleatly, their bulls, and other things requisite in that behalf from the court of *Rome*. And also shall fully and entirely have and enjoy all the spiritualities and temporalities of the said archbishoprick or bishoprick, in as large, ample, and beneficial manner, as any of his or their predecessors had, or enjoyed in the said archbishoprick, or bishoprick, satisfying and yielding unto the King our sovereign lord, and to his heirs and successors, Kings of *England*, all such duties, rights, and interests, as before this time had been accustomed to be paid for any such archbishoprick, or bishoprick, according to the antient laws and customs of this realm, and the King's prerogative royal. and shall enjoy all spiritualities and temporalities, yielding unto the King all duties, rights, &c.

III. And to the intent our said holy father the Pope, and the court of *Rome*, shall not think that the pains and labours taken, and hereafter to be taken, about the writing, sealing, obtaining, and other businesses sustained, and hereafter to be sustained, by the offices of the said court of *Rome*, for and about the expedition of any bulls hereafter to be obtained or had for any such archbishoprick, or bishoprick, shall be irremunerated, or shall not be sufficiently and condignly recompensed in that behalf; and for their more ready expedition to be had therein; it is therefore enacted by the authority asorefoaid, That every spiritual person of this realm, hereafter to be named, presented, or postulated, to any archbishoprick or bishoprick of this realm, shall and may lawfully pay for the writing and obtaining of his or their said bulls, at the court of *Rome*, and ensealing the same with lead, to be had without payment of any *Annates*, or first-fruits, or other charge or exaction by him or them to be made, yielded, or paid for the same, five pounds *Sterling*, for and after the rate of the clear and whole yearly value of every hundred pounds *Sterling*, above all charges of any such archbishoprick, or bishoprick, or other money, to the value of the said five pounds, for the clear yearly value of every hundredth pounds of every such archbishoprick, or bishoprick, and not above, nor in any otherwise, any thing in this present act before written notwithstanding. And forasmuch as the King's highness, and this his high court of parliament, neither have, nor do intend to use in this, or any other like cause, any manner of extremity or violence, before gentle courtesie or friendship, ways and means first approved and attempted, and without a very great urgent cause and occasion given to the contrary, but principally coveting to disburthen this realm of the said great exactions, and intolerable charges of *Annates*, and first-fruits, have therefore thought convenient to commit the final order and determination of the premisses, and that due reward may be allowed for the expedition of bulls, every person presented to archbishoprick, or bishoprick, shall pay 5*l.* for every hundred that the promotion is of clear yearly value. The parliament not willing to use extremity without urgent cause, have committed this matter to the

King (to compound it with the court of Rome) premisses, in all things, unto the King's highness. So that if it may seem to his high wisdom, and most prudent discretion, meet to move the Pope's holiness, and the court of *Rome*, amicably, charitably, and reasonably, to compound, other to extinct and make frustrate the payments of the said *Annates*, or first-fruits, or else by some friendly, loving, and tolerable composition to moderate the same in such wise as may be by this realm easily borne and sustained; that then those ways and compositions taken, concluded, and agreed, between the Pope's holiness and the King's highness, shall stand in strength, force and effect of law, inviolably to be observed. And it is also further ordained, and enacted by the authority of this present parliament, That the King's highness at any time, or times, on this side the feast of *Easter*, which shall be in the year of our Lord God, one thousand five hundred and three and thirty, or at any time on this side the beginning of the next parliament, by his letters patents under his great seal, to be made, and to be entred of record in the roll of this present parliament, may and shall have full power and liberty to declare, by the said letters patents, whether that the premisses, or any part, clause, or matter thereof, shall be observed, obeyed, executed, and take place and effect, as an act and statute of this present parliament, or not. So that if his highness, by his said letters patents, before the expiration of the times above limited, thereby do declare his pleasure to be, that the premisses, or any part, clause, or matter thereof, shall not be put in execution, observed, continued, nor obeyed, in that case all the said premisses, or such part, clause, or matter, as the King's highness so shall refuse, disaffirm, or not ratify, shall stand and be from henceforth utterly void and of none effect.

whose compositions shall be inviolably observed, and who shall have power to declare, by letters patents, whether this shall be a statute or not, so as, what he shall refuse in whole or in part shall be void, And in case that the King's highness, before the expiration of the times afore prefixed, do declare by his said letters patents, his pleasure and determination to be, that the said premisses, or every clause, sentence, and part thereof, that is to say, the whole, or such part thereof as the King's highness so shall affirm, accept, and ratify, shall in all points stand, remain, abide, and be put in due and effectual execution, according to the purport, tenor, effect, and true meaning of the same; and to stand and be from henceforth for ever after, as firm, stedfast, and available in the law, as the same had been fully and perfectly established, enacted and confirmed, to be in every part thereof, immediately, wholly, and entirely executed, in like manner, form, and effect, as other acts and laws; the which being fully and determinately made, ordained, and enacted in this present parliament. And if that upon the aforesaid reasonable, amicable and charitable ways and means, by the King's highness to be experimented, moved, or compounded, or otherwise approved, it shall and may appear, or be seen unto his grace, that this realm shall be continually burdened and charged with this, and such other intolerable exactions and demands, as heretofore it hath been; and that thereupon, for continuance of the same, our said holy father the Pope, or any of his successors, or the court of *Rome*, will, or do,

and what he shall accept shall be put in execution, and be as available in law, as any other acts. If no redress may be had by these amicable means, but the court of Rome shall

or cause to be done at any time hereafter, so as is above rehearsed, unjustly, uncharitably, and unreasonably, vex, inquiet, molest, trouble, or grieve our said sovereign lord, his heirs or successors, Kings of *England*, or any of his or their spiritual or lay subjects, or this his realm, by excommunication, excommunication, interdiction, or by any other process, censures, compulsories, ways or means; be it enacted by the authority afore said, That the King's highness, his heirs and successors, Kings of *England*, and all his spiritual and lay subjects of the same, without any scruples of conscience, shall and may lawfully, to the honour of almighty God, the encrease and continuance of virtue and good example within this realm, the said censures, excommunications, interdictions, compulsories, or any of them notwithstanding, minister, or cause to be ministered, throughout this said realm, and all other the dominions or territories belonging or appertaining thereunto, all and all manner of sacraments, sacramentals, ceremonies, or other divine services of the holy church, or any other thing or things necessary for the health of the soul of mankind, as they heretofore at any time or times have been virtuously used or accustomed to do within the same; and that no manner such censures, excommunications, interdictions, or any other process or compulsories, shall be by any of the prelates, or other spiritual fathers of this region, nor by any of their ministers or substitutes, be at any time or times hereafter published, executed, nor divulged, nor suffered to be published, executed, or divulged in any manner of ways.

enforce the continuance of those exactions, by excommunications, interdicts, &c.

in such case, all sacraments and divine services shall continue to be ministered, notwithstanding,

and the excommunications; interdicts, &c. shall not be executed.

Memorand. *Quod nono die Julii, anno regni regis Henrici vicesimo quinto, idem dominus rex per literas suas patentes sub magno sigillo suo sigillat. Actum predictum ratificavit & confirmavit, et actui illi assensum suum regium dedit, prout per easdem literas patentes, cuius tenor sequitur in hæc verba, magis aperte constat.*

Roll. Parl.

Then follows the ratification in form, with the act recited at large.

Ratified and confirmed by 25 H. 8. c. 10. f. 2.

Statutes made at Westminster, Anno 24 HEN. VIII. and Anno Dom. 1532.

Acts made in the session of this present parliament bolden upon prorogation at Westminster the fourth day of February, in the four and twentieth year of the reign of our most dread sovereign lord King Henry the Eighth, and there continued and kept till the seventh day of April then next ensuing, to the honour of God and holy church, and for the common weal of this his realm.

CAP. I.

REP. 5 El.
c. 8. & 1 Jac. 1.
c. 22.

Tanned leather shall not be sold but in open fairs and markets, nor before it be searched and sealed. Who shall be searchers and sealers, and what their duty is. The curriers duty in currying of leather. The offenders forfeitures, and who shall have them.

CAP. II.

No person shall die or alter any woollen cloth, or hats, or caps, unless the same be perfectly boiled, grained or maddered upon the wood with good cork or orchal; (2) no dyer shall occupy brazile in the dying of woollen cloths, hats or caps, nor any thing but grain only in the dying of scarlet. *To continue to the next parliament.*

CAP. III.

25 H. 8. c. 7.
27 H. 8. c. 9.
Rep. 33 H. 8.
c. 11.

Beef, pork, mutton and veal shall be sold by weight called *Flaver-de-pois*. No person shall take for a pound of beef or pork above ob. nor for a pound of mutton or veal above ob. q. and less in those counties where they be sold for less.

CAP. IV.

Exp. 33 H. 8.
c. 17.
5 El. c. 5.
Rep. by 35 El.
c. 7. f. 21.

Every person having in his occupation threescore acres of land apt for tillage, shall sow one rood with flax or hemp-seed, upon pain to forfeit iii. s. iv. d. for every forty acres. An acre shall be counted 160 perches, and every perch 16 foot and a half.

CAP. V.

That a man killing a thief in his defence, shall not forfeit his goods.

3 Inst. 56, 63,
210.
Bracton 144. b.
1 Anderf. 41.

No forfeiture
for killing of
a thief at-
tempting to
rob one by
the highway,
&c.

FORASMUCH as it hath been in question and ambiguity, that if any evil disposed person or persons do attempt feloniously to rob or murder any person or persons in or nigh any common highway, cart-way, horse-way, or foot-way, or in their mansions, messuages, or dwelling-places, or that feloniously do attempt to break any dwelling-house in the night-time, should happen in his or their being in their such felonious intent, to be slain by him or them whom the said evil-doers should so attempt to rob or murder, or by any person or persons being in their dwelling-house, which the same evil-doers should so attempt burglarly to break by night; if the said person so happening in such cases to slay any such person, so attempting to commit murder or burglary, should for the death of the said evil disposed person forfeit or lose his goods and chattels for the same, as any other person should do that by chance-medley should happen to kill or slay any other person in his or their defence; (2) for the declaration of the which ambiguity and doubt, be it enacted by the King our sovereign lord, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That if any person or persons, at any time hereafter, be indicted

indicted or appealed of or for the death of any such evil disposed person or persons attempting to murder, rob, or burglarily to break mansion-houses, as is abovesaid, that the person or persons so indicted or appealed thereof, and of the same by verdict so found and tried, shall not forfeit or lose any lands, tenements, goods or chattels, for the death of any such evil disposed person in such manner slain, but shall be thereof, and for the same fully acquitted and discharged, in like manner as the same person or persons should be if he or they were lawfully acquitted of the death of the said evil disposed person or persons. There shall be no forfeiture of lands or goods for the killing of any person that attempted to murder or rob. Cro. Car. 544

CAP. VI.

The penalty for not selling of wines at the prices assessed. Rep. 21 Jac. 1. c. 28.
 28 H. 8. c. 14. (2) In what cases justices of peace and other officers may sell other men's wine. 37 H. 8. c. 23. (3) He that keepeth wine in his house to spend or retail, shall not be enforced to sell it in gross.

CAP. VII.

Whatsoever butcher killeth a calf to sell that is calved between the first day of *January* and the first of *May*, shall forfeit vi. s. Exp. 14 El. c. 11.
 viii. d.

CAP. VIII.

An act where defendants shall not recover any costs.

BECAUSE as well many recognizances, obligations, indentures and other specialties, as also many contracts heretofore have been taken and made between divers persons being of the King's most honourable council, and others his subjects, and by and between other persons, to the use and behoof of our said sovereign lord the King, for great sums of money, then being to his grace due, and for his provisions, and other causes; (2) for which debts, actions by the laws of this realm be to be commenced, sued and prosecuted to the King's use, by and in the name and names of the person or persons to whom the said recognizances, obligations and other specialties were made, or by those to whom the said contracts were made: (3) be it therefore ordained and enacted by authority of this present parliament, That albeit that the plaintiff or plaintiffs be or shall be nonsuited in any whatsoever action, suit, bill or plaint, commenced, or to be commenced, sued, or to be sued, to the use of our said sovereign lord the King, his heirs or successors, Kings of *England*, or that it shall happen any verdict to pass against any such plaintiff or plaintiffs, in any action, suit, bill or plaint, sued or to be sued, to the King's use; the defendant or defendants shall not recover any costs against any such plaintiff or plaintiffs; any act or statute made in this present parliament, or any other thing to the contrary being in any wise notwithstanding. 23 H. 8. c. 15.

In what case the defendant shall not recover costs.

There shall be no costs of suit awarded to the defendant where any action is sued to the King's use.

CAP. IX.

Butchers shall kill no wainlings under two years old. Lords marchers shall have their forfeitures within their liberties. (2) justices of peace shall hear and determine the same offences. Exp. 14 El. c. 11. Continued to the end of the next session of parliament by 1 Jac. 1. c. 25. & 21 Jac. 1. c. 28.

CAP.

CAP. X.

For the deſtruction of crows and rooks.

Choughs,
crows and
rooks ſhall be
deſtroyed.

The great in-
conveniences
ſuffered by
reaſon of
choughs,
crows and
rooks.

Every man
ſhall do his
beſt to deſtroy
crows, &c.
upon pain of
amerſciament,
being preſent-
ed at leets,
ſheriffs turns,
ſeſſions, &c.

FORASMUCH as innumerable number of rooks, crows and choughs do daily breed, and increaſe throughout this realm, which rooks, crows and choughs, do yearly devour and conſume a wonderful and marvellous great quantity of corn and grain of all kinds, that is to wit, as well in the ſowing of the ſame corn and grain, as alſo at the ripening and kernelling of the ſame, and over that a marvellous deſtruction, and decay of the covertures of thatched houſes, barns, reeks, ſtacks and other ſuch like: (2) ſo that if the ſaid crows, rooks and choughs ſhould be ſuffered to breed and continue, as they have been in certain years paſt, they will undoubtedly be the cauſe of the great deſtruction and conſumption of a great part of the corn and grain which hereafter ſhall be ſown throughout this realm, to the great prejudice, damage and undoing of the great number of all the tillers, huſbands and ſowers of the earth within the ſame.

II. For remedy whereof, be it enacted by the authority of this preſent parliament, That every perſon and perſons, as well ſpiritual as temporal, having, keeping, holding and inhabiting in any manors, meaſes, lands or tenements in their own manurance and occupation of any eſtate of inheritance, or for term of life, or for years, or at will, or by copy of court-roll, or otherwiſe in poſſeſſion or uſe, ſhall hereafter do, or cauſe to be done, as much as in him or them reaſonably ſhall or may be, to kill and utterly deſtroy all manner of choughs, crows, rooks, coming, abiding, breeding or haunting within or upon any the ſaid manors, meaſes, lands or tenements which he or they ſhall inhabit and dwell upon, and have in their manurance and occupation, as is aforeſaid, (2) upon pain of a grievous amerſciament, to be ſet and aſſeſſed as hereafter ſhall be expreſſed: that is to ſay, that if any offence be done contrary to the ſtatute, by any perſon or perſons inhabited within the limits of the leets, lawdays, rapes or court barons of any lords having ſuch courts, that then upon a preſentment thereof made before the ſteward of ſuch leets, lawdays, rapes or courts, the ſtewards with two of the preſenters, (by the ſteward and preſenters to be named) ſhall aſſeſs and ſet for every default preſented to be done contrary to this act, ſuch amerſciament as to them ſhall ſeem reaſonable and convenient, after the quantity of the offence, (3) the ſaid amerſciament to be to the uſe of the lord, or lords of the leets, lawdays, rapes or courts where the ſaid offence ſhall be done and preſented, to be levied by diſtreſs of the goods and chattels of the offender or offenders, like as other amerſciaments for common annoyances (preſented in leets) have been accuſtomed to be levied.

(4) And if the offence be done contrary to this ſtatute by any perſon or perſons, which ſhall dwell and have the manurance of and in ſuch manors, meaſes, lands, tenements or hereditaments, whereunto ſuch leets, lawdays, rapes and courts do not belong, or by reaſon whereof any ſuch courts be not holden: that

that then upon a presentment thereof had before the sheriffs in the turns, or justices of peace in their sessions, the steward of the turns with two of the presenters, to be chosen as is aforesaid, if the presentment be within the turn, and the justices of peace, or two of them at the least, if the presentment be before them in their sessions, shall assess and set the said amerciamment, after the quantity of the offence, by their discretions, to be had and levied to the use of our sovereign lord the King by distress, like as other amerciamentes be levied upon presentments of common annoyances.

III. And farther be it enacted by the authority aforesaid, That in every parish, township, hamlet, borough or village within this realm, wherein is at least ten households inhabited, the tenants and inhabitants thereof shall before the feast of St. *Michael* the archangel next, and so during ten years next ensuing the said feast, at their own proper costs, charges and expences, provide, make or cause to be made one net, commonly called a net to take choughs, crows, and rooks, with all things requisite or belonging to the same, (2) and the said net so made or caused to be made, shall keep, preserve and renew, as often as shall need: and with and after a shrap made with chaff and other things meet for that purpose, shall lay or cause to be laid, at such time or times in the year, as are convenient for destruction of such choughs, rooks and crows, and in such place and places as shall be thought expedient to take the said choughs, crows and rooks, (3) upon pain to forfeit ten shillings, the one moiety thereof to be to our sovereign lord the King, and the other moiety to the lord or lords of the same courts, leets, lawdays or rapes, where any such net shall be lacking, and not made, and put in execution according to this act, (4) to be levied of the said tenants and inhabitants of the said parish, township, hamlet, borough or village, where any such net shall be lacking, and not put in use and execution as is aforesaid. (5) And that every such net with all things requisite thereunto, shall one time in the year, at the least, be presented in the court baron, leet, rape or lawday, before the steward of the same court, leet, rape or lawday, whereunto the said tenants and inhabitants shall be bounden to sue, and appear, to be viewed, whether the same be sufficiently repaired or not, for the foresaid purpose: (6) So that by the advice of the steward, tenants and inhabitants of the said court baron, leet, rape or lawday, where any such net shall be necessary to be used, a sure way and ordinance may be devised for the reparation, continuance and putting in execution of the said net at times and places convenient, as is aforesaid. (7) And that such ordinances as shall be devised and made by the steward, tenants and inhabitants of and within the said leets, lawdays, rapes and courts, or by the most part of them, to and for the destruction of the said rooks, crows and choughs, shall stand good and effectual, and be put in due execution, according to the tenor thereof.

Every town, hamlet, &c. shall provide and maintain crow nets during x. years.

Revised as to the maintenance of nets, &c. for the destruction of crows, &c. and as to the rest repealed by 8 El. c. 15.

The inhabi-
tants shall
during ten
years, assemble
and take or-
der to destroy
crows, rooks,
&c.

IV. And farther be it enacted by the authority aforesaid, That as well such person and persons, as shall inhabit, and have in his manurance and occupation, any manors, meases, lands, tenements, or other hereditaments, whereunto any such leets, lawdays, rapes or courts appertain, or by reason whereof any such courts be holden, as the tenants and farmers inhabiting and having in their manurance and occupation, any meases, lands, tenements or hereditaments holding of such manors, meases or other hereditaments, whereunto such courts, as is aforesaid, belong, shall yearly, during the said ten years, at such days, places and times, as by the steward of such leets, lawdays, rapes, or courts shall be appointed, assemble themselves together to view, visit and survey all the said manors, meases, lands, tenements and hereditaments, where they or any of them shall happen to dwell or inhabit and be resident; (2) and thereupon shall agree and conclude, how and by what means it shall be best possible to destroy all the young breed of the said choughs, crows and rooks, for that year; (3) and the same assembly, view and visitation shall make yearly, during the said ten years, at most convenient and apt times for the same, and shall put the same in due execution, so as the said young breed of choughs, crows and rooks may be utterly destroyed, (4) upon pain to forfeit for every year omitting such assembly, endeavour, and view making according to this act, twenty shillings, after presentment of such default had before the King's justices of peace: the one half of which forfeiture to be to the King our sovereign lord, and the other half to be to the presenters of the said offence, to be levied by distress, like as amerciaments for common annoyances have been accustomed to be levied.

The defaults
shall be given
in charge in
leets, &c.

V. And farther be it enacted by the authority aforesaid, That as well the justices of peace in their sessions, and sheriffs in their turns, as stewards, mayors and bailiffs elected in their leets, lawdays, rapes and court-barons, to be hereafter holden before them, or any of them, shall give in charge to the tenants and inhabitants, and all other appearing before any of them, that they shall duly enquire and put in execution the effect of the premises in due time, so that this act may be fully and truly executed, and the choughs, crows and rooks thereby destroyed in all places of this realm, according to the meaning and true intent of this statute.

Any man with
licence of the
owner of the
ground may
take crows,
&c.

VI. And over this it is enacted, That it shall be lawful to every person and persons, only minding and willing to take and destroy the said crows, rooks or choughs, after request thereof made to the owner or occupier of the same ground where such crows, rooks or choughs haunt or breed, to enter, take and carry away all such rooks or choughs, and crows, as he shall take that same day in which such request shall be made, from time to time without let, impediment or impeachment by any manner mean of the said owner or occupier of the same.

The taker of
crows, &c.
shall have af-

VII. And it is farther enacted, That every farmer or owner, having in his own manurance and occupation, any manors,
meases,

meases, lands, tenements or other hereditaments, whereof the yearly value or rent amounteth to v. pounds, shall pay and give to every such person, which by his diligence, labour and industry at his own proper costs doth take any old crows, rooks or choughs, within and upon the said manors, meases, lands or grounds of the yearly value aforesaid, two pence for every twelve old crows, rooks or choughs, that any such person shall take, bring and offer to any such farmer or owner; and for every six old crows, rooks or choughs, a penny; for every three, an half penny: (2) And if any such owner or farmer refuse to pay the said money accordingly, as is aforesaid, then upon complaint and proof thereof made to any of the justices of peace or high-constable, the said justice of peace or high-constable shall cause the said money to be levied by distress of the goods and chattels of every such farmer or occupier refusing to pay the same according to the tenor and effect of this act.

ter the rate of
two pence the
dozen.

VIII. Provided always, That no person or persons, by colour or authority of this act, shall take or kill any doves or pigeons, upon the pains limited by the laws and customs of this realm heretofore for such offences used and accustomed.

None under
pretence of
this act shall
kill pigeons.
2 Roll. 31.

CAP. XI.

The street-way between *Charing-Cross* and *Strond-Cross* shall be sufficiently paved at the charge of the owners of the lands; and the pavement being made, it shall be maintained by the owners of the land adjoining to the same, upon pain of forfeiture to the King of vi. d. for every yard square not paved or repaired.

CAP. XII.

For the restraint of appeals.

WHERE by divers sundry old autentick histories and chronicles, it is manifestly declared and expressed, that this realm of England, is an empire, and so hath been accepted in the world, governed by one supreme head and King, having the dignity and royal estate of the imperial crown of the same; (2) unto whom a body politick, compact of all sorts and degrees of people, divided in terms, and by names of spirituality and temporality, been bounden and oven to bear, next to God, a natural and humble obedience; (3) he being also institute and furnished, by the goodness and sufferance of Almighty God, with plenary, whole, and entire power, pre-eminence, authority, prerogative and jurisdiction, to render and yield justice, and final determination to all manner of folk, resiants, or subjects within this his realm, in all causes, matters, debates and contentions, happening to occur, insurge, or begin within the limits thereof, without restraint; or provocation to any foreign princes or potentates of the world; (4) the body spiritual whereof having power, when any cause of the law divine happened to come in question, or of spiritual learning, then it was declared, interpreted, and shewed by that part of the said body politick, called the spirituality, now being usually called the English church, which always hath been reputed, and also found of that sort, that both for knowledge,

The power,
pre-eminence
and authority
of the King of
England.

The power,
learning and
wisdom of the
body spiritual.

The form and manner of government of the estate temporal.

No appeals shall be used, but within this realm.

The several inconveniences in suing of appeals to Rome.

integrity and sufficiency of number, it hath been always thought, and is also at this hour, sufficient and meet of it self, without the intermeddling of any exterior person or persons, to declare and determine all such doubts, and to administer all such offices and duties, as to their rooms, spiritual doth appertain; (5) for the due administration whereof, and to keep them from corruption and sinister affection, the King's most noble progenitors, and the antecessors of the nobles of this realm, have sufficiently endowed the said church, both with honour and possessions; (6) and the laws temporal, for trial of property of lands and goods, and for the conservation of the people of this realm in unity and peace, without rapine or spoil, was and yet is administered, adjudged and executed by sundry judges and ministers of the other part of the said body politick, called the temporality; (7) and both their authorities and jurisdictions do conjoin together in the due administration of justice, the one to help the other.

II. *And whereas the King his most noble progenitors, and the nobility and commons of this said realm, at divers and sundry parliaments, as well in the time of King Edward the First, Edward the Third, Richard the Second, Henry the Fourth, and other noble Kings of this realm, made sundry ordinances, laws, statutes, and provisions for the entire and sure conservation of the prerogatives, liberties and preeminences of the said imperial crown of this realm, and of the jurisdiction spiritual and temporal of the same, to keep it from the annoyance as well of the see of Rome, as from the authority of other foreign potentates, attempting the diminution or violation thereof, as often, and from time to time, as any such annoyance or attempt might be known or espied: (2) and notwithstanding the said good statutes and ordinances made in the time of the King's most noble progenitors, in preservation of the authority and prerogative of the said imperial crown, as is aforesaid; yet nevertheless sithen the making of the said good statutes and ordinances divers and sundry inconveniences and dangers, not provided for plainly by the said former acts, statutes and ordinances, have arisen and sprung by reason of appeals sued out of this realm to the see of Rome, in causes testamentary, causes of matrimony and divorces, right of tithes, oblations and obventions, not only to the great inquietation, vexation, trouble, cost and charges of the King's highness, and many of his subjects and residents of this his realm, but also to the great delay and let to the true and speedy determination of the said causes, for so much as the parties appealing to the said court of Rome most commonly do the same for the delay of justice. (3) And forasmuch as the great distance of way is so far out of this realm, so that the necessary proofs, nor the true knowledge of the cause, can neither there be so well known, ne the witnesses there so well examined, as within this realm, so that the parties grieved by means of the said appeals be most times without remedy: (4) in consideration whereof, the King's highness, his nobles and commons, considering the great enormities, dangers, long delays and hurts, that as well to his highness, as to his said nobles, subjects, commons, and residents of this his realm, in the said causes testamentary, causes of matrimony and divorces, tithes, oblations and obventions, do daily ensue, doth therefore by his royal assent,*
and

and by the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, enact, establish and ordain, That all causes testamentary, causes of matrimony and divorces, rights of tithes, oblations and obventions (the knowledge whereof by the goodness of princes of this realm, and by the laws and customs of the same, appertaineth to the spiritual jurisdiction of this realm) already commenced, moved, depending, being, happening, or hereafter coming in contention, debate or question within this realm, or within any the King's dominions, or marches of the same, or elsewhere, whether they concern the King our sovereign lord, his heirs and successors, or any other subjects or residents within the same, of what degree soever they be, shall be from henceforth heard, examined, discussed, clearly, finally, and definitively adjudged and determined within the King's jurisdiction and authority, and not elsewhere, in such courts spiritual and temporal of the same, as the natures, conditions, and qualities of the cases and matters aforesaid in contention, or hereafter happening in contention, shall require, without having any respect to any custom, use, or sufferance, in hindrance, let, or prejudice of the same, or to any other thing used or suffered to the contrary thereof by any other manner of person or persons in any manner of wise; any foreign inhibitions, appeals, sentences, summons, citations, suspensions, interdictions, excommunications, restraints, judgments, or any other process or impediments, of what natures, names, qualities, or conditions soever they be, from the see of *Rome*, or any other foreign courts or potentates of the world, or from and out of this realm, or any other the King's dominions, or marches of the same, to the see of *Rome*, or to any other foreign courts or potentates, to the let or impediment thereof in any wise notwithstanding. (5) And that it shall be lawful to the King our sovereign lord, and to his heirs and successors, and to all other subjects or residents within this realm, or within any of the King's dominions or marches of the same, notwithstanding that hereafter it should happen any excommungement, excommunications, interdictions, citations, or any other censures, or foreign process out of any outward parts, to be fulminate, promulged, declared, or put in execution within this said realm, or in any other place or places, for any of the causes before rehearsed, in prejudice, derogation, or contempt of this said act, and the very true meaning and execution thereof, may and shall nevertheless as well pursue, execute, have and enjoy the effects, profits, benefits and commodities of all such processes, sentences, judgments and determinations done, or hereafter to be done, in any of the said courts spiritual or temporal, as the cases shall require, within the limits, power and authority of this the King's said realm, and dominions and marches of the same, and those only, and none other to take place, and to be firmly observed and obeyed within the same.

(6) As also, that all the spiritual prelates, pastors, ministers and curates within this realm, and the dominions of the same, shall

All causes determinable by any spiritual jurisdiction shall be adjudged within the King's authority.

The prelates of this realm and

may execute
all sacraments
and divine
service to the
subjects of this
realm.

and may use, minister, execute and do, or cause to be used, executed, ministred and done, all sacraments, sacramentals, divine services, and all other things within the said realm and dominions, unto all the subjects of the same, as catholick and christian men owen to do; any former citations, processses, inhibitions, suspensions, interdictions, excommunications, or appeals, for or touching the causes aforesaid, from or to the see of *Rome*, or any other foreign prince or foreign courts, to the let or contrary thereof in any wise notwithstanding.

The penalty
of them who
omit to do
their duty.

III. And if any of the said spiritual persons, by the occasion of the said fulminations of any of the same interdictions, censures, inhibitions, excommunications, appeals, suspensions, summons, or other foreign citations for the causes before said, or for any of them, do at any time hereafter refuse to minister, or cause to be ministred, the said sacraments and sacramentals, and other divine services, in form as is aforesaid, shall for every such time or times that they or any of them do refuse so to do, or cause to be done, have one year's imprisonment, and to make fine and ransom at the King's pleasure.

Whosoever
procureth
from the see of
Rome, &c.
any appeals,
process, sen-
tences, &c.
incur the for-
feiture of
premunire.

IV. And it is further enacted by the authority aforesaid, That if any person or persons inhabiting or resiant within this realm, or within any of the King's said dominions, or marches of the same, or any other person or persons, of what estate, condition or degree soever he or they be, at any time hereafter, for or in any the causes aforesaid, do attempt, move, purchase, or procure, from or to the see of *Rome*, or from or to any other foreign court or courts out of this realm, any manner foreign process, inhibitions, appeals, sentences, summons, citations, suspensions, interdictions, excommunications, restraints, or judgments, of what nature, kind or quality soever they may be, or execute any of the same process, or do any act or acts to the let, impediment, hindrance or derogation of any process, sentence, judgment or determination had, made, done, or hereafter to be had, done or made, in any courts of this realm, or the King's said dominions, or marches of the same, for any of the causes aforesaid, contrary to the true meaning of this present act, and the execution of the same, that then every such person or persons so doing, and their fautors, comforters, abettors, procurers, executors, and counsellors, and every of them, being convict of the same, for every such default shall incur and run in the same pains, penalties and forfeitures, ordained and provided by the statute of provision and *Premunire*, made in the sixteenth year of the reign of the right noble prince King *Richard* the Second, against such as attempt, procure, or make provision to the see of *Rome*, or elsewhere, for any thing or things, to the derogation, or contrary to the prerogative or jurisdiction of the crown and dignity of this realm.

16 R. 2. c. 5.

V. And furthermore, in eschewing the said great enormities, inquietations, delays, charges and expences hereafter to be sustained in pursuing of such appeals, and foreign process, for and concerning the causes aforesaid, or any of them, do therefore by authority aforesaid, ordain and enact, That in such cases where heretofore

heretofore any of the King's subjects or resiants have used to pursue, provoke, or procure any appeal to the see of *Rome*, and in all other cases of appeals, in or for any of the causes aforesaid, they may and shall from henceforth take, have and use their appeals within this realm, and not elsewhere, in manner and form as hereafter ensueth, and not otherwise; that is to say, first from the archdeacon, or his official, if the matter or cause be there begun, to the bishop diocesan of the said see, if in case any of the parties be grieved.

VI. And in like wise if it be commenced before the bishop diocesan, or his commissary, from the bishop diocesan, or his commissary, within fifteen days next ensuing the judgment or sentence thereof there given, to the archbishop of the province of *Canterbury*, if it be within his province; and if it be within the province of *York*, then to the archbishop of *York*; and so likewise to all other archbishops in other the King's dominions, as the case by order of justice shall require; and there to be definitively and finally ordered, decreed, and adjudged, according to justice, without any other appellation or provocation to any other person or persons, court or courts.

Before whom, and in what courts appeals shall be sued within this realm.
4 Mod. 116,
117.
Dyer 209,

VII. And if the matter or contention for any of the causes aforesaid be or shall be commenced, by any of the King's subjects or resiants, before the archdeacon of any archbishop, or his commissary, then the party grieved shall or may take his appeal within fifteen days next after judgment or sentence there given, to the court of the arches, or audience, of the same archbishop or archbishops; (2) and from the said court of the arches or audience, within fifteen days then next ensuing after judgment or sentence there given, to the archbishop of the same province, there to be definitively and finally determined, without any other or further process or appeal thereupon to be had or sued.

Appeals ought to be within 15 days.

VIII. And it is further enacted by the authority aforesaid, that all and every matter, cause and contention now depending, or that hereafter shall be commenced by any of the King's subjects or resiants for any of the causes aforesaid, before any of the said archbishops, that then the same matter or matters, contention or contentions, shall be before the same archbishop where the said matter, cause or process shall be so commenced, definitively determined, decreed, or adjudged, without any other appeal, provocation, or any other foreign process out of this realm, to be sued to the let or derogation of the said judgment, sentence or decree, otherwise than is by this act limited and appointed; (2) saving always the prerogative of the archbishop and church of *Canterbury*, in all the foresaid causes of appeals, to him and to his successors to be sued within this realm, in such and like wise as they have been accustomed and used to have heretofore.

Suits commenced before an archbishop shall be determined by him without any further appeal.

The prerogative of the archbishop of *Canterbury* saved.

IX. And in case any cause, matter or contention, now depending for the causes before rehearsed, or any of them, or that hereafter shall come in contention for any of the same causes, in any of the foresaid courts, which hath, doth, shall or may touch the

Before whom an appeal shall be sued in any cause touching the King.

the King, his heirs or successors, Kings of this realm; that in all and every such case or cases the party grieved, as before is said, shall or may appeal from any of the said courts of this realm, where the said matter, now being in contention; or hereafter shall come in contention, touching the King, his heirs, or successors (as is aforesaid) shall happen to be ventilate, commenced or begun, to the spiritual prelates and other abbots and priors of the upper house, assembled and convocate by the King's writ in the convocation being, or next ensuing within the province or provinces where the same matter of contention is or shall be begun; (2) so that every such appeal be taken by the party grieved within fifteen days next after the judgment or sentence thereupon given or to be given; (3) and that whatsoever be done, or shall be done and affirmed, determined, decreed and adjudged by the foresaid prelates, abbots and priors of the upper house of the said convocation, as is aforesaid, appertaining, concerning, or belonging to the King, his heirs, and successors, in any of these foresaid causes of appeals, shall stand and be taken for a final decree, sentence, judgment, definition and determination, and the same matter, so determined, never after to come in question and debate, to be examined in any other court or courts.

X. And if it shall happen any person or persons hereafter to pursue or provoke any appeal contrary to the effect of this act, or refuse to obey execute and observe all things comprised within the same, concerning the said appeals, provocations and other foreign processes to be sued out of this realm, for any the causes aforesaid, that then every such person or persons so doing, refusing, or offending contrary to the true meaning of this act, their procurers, fautors, advocates, counsellors, and abettors, and every of them, shall incur into the pains forfeitures and penalties ordained and provided in the said statute made in the said sixteenth year of King *Richard* the Second, and with like process to be made against the said offenders, as in the same statute made in the said sixteenth year more plainly appeareth.

16 R. 2. c. 5.
28 H. 8. c. 10.
Rep. 1 & 2 Ph.
& M. c. 8. and
revived by
1 El. c. 1.

C A P. XIII.

Rep. 1 Jac. 1. A repeal of all former statutes made against excess of apparel.
c. 25. What apparel men of all degrees, vocations, and functions are allowed, and what prohibited to wear. The forfeitures of the offenders, and who shall have them.

Statutes made at *Westminster*, Anno 25 HEN. VIII.
and Anno Dom. 1533.

ACTS made in the session of this present parliament, holden upon prorogation at *Westminster* the fifteenth day of January, in the five and twentieth year of the reign of
our

our moſt dread ſovereign lord King Henry the Eighth, and there continued and kept till the thirtieth day of March then next enſuing, to the honour of God and holy church, and for the common weal and profit of this his realm.

C A P. I.

Governors of cities and market-towns, upon complaint to them made of any butcher refuſing to ſell victual by weight according to the ſtatute of 24 H. 8. c. 3. may commit the offender to ward until he hath paid all penalties limited by the ſaid ſtatute; and may ſell, or cauſe to be ſold by weight, all ſuch victual for ready money to be delivered to the owner: and if any graſier, farmer, breeder, drover, &c. reſuſe to ſell his fat cattle to a butcher upon ſuch reaſonable price, as he may retail it at the price aſſeſſed by the ſtatute, the juſtices of peace, mayors, or governors, ſhall cauſe indifferent perſons to ſet the prices of the ſame, which if the owner reſuſe to accept, then the ſame juſtices, &c. ſhall bind him to appear the next term in the ſtar-chamber, to be puniſhed as the King's counſel ſhall think good.

27 H. 8. c. 9.
Rep. 33 H. 8.
c. 11.

C A P. II.

Proclamations for the prices of victuals, viz. the priſing of them, and proclaiming the prices.

FORASMUCH as dearth, ſcarcity, good cheap and plenty, of cheeſe, butter, capons, hens, chickens and other victuals neceſſary for man's ſuſtenance, happeneth, riſeth, and chanceth of ſo many and divers occaſions, that it is very hard and difficult to put any certain prices to any ſuch things; (2) and yet nevertheleſs the prices of ſuch victuals be many times inſanced and raiſed by the greedy covetouſneſs and appetites of the owners of ſuch victuals, by occaſion of ingroſſing and regrating the ſame, more than upon any reaſonable or juſt ground or cauſe, to the great damage and impoveriſhing of the King's ſubjects: (3) For remedy whereof, be it enacted by the authority of this preſent parliament, That upon every complaint made of any inſancing of prices of ſuch victuals, without ground or cauſe reaſonable, in any part of this realm, or in any other the King's dominions, the lord chancellor of England, the lord treaſurer, the lord preſident of the King's moſt honourable council, the lord privy ſeal, the lord ſteward, the lord chamberlain, and all other lords of the King's council, the treaſurer and controller of the King's moſt honourable houſe, the chancellor of the duchy of Lancaſter, the King's juſtices of either bench, the chancellor, chamberlains, under-treaſurer, and the barons of the King's exchequer, or ſeven of them at the leaſt, whereof the lord chancellor, the lord treaſurer, the lord preſident of the King's council, or the lord privy ſeal, to be one, ſhall have power and authority from time to time, as the caſe ſhall require, to ſet and tax reaſonable prices of all ſuch kinds of victuals above ſpecified,

3 Inſt. 196.
The prices of victuals ſhall be aſſeſſed by the King's counſellors, juſtices, and officers.

cified, how they ſhall be fold in grofs, or by retail, for relief of the King's ſubjects; (4) and that after ſuch prices ſet and taxed in form aforeſaid, proclamation ſhall be made in the King's name, under the great ſeal, of the ſaid prices in ſuch parts of this realm, as ſhall be convenient for the ſame.

They which have victual muſt ſell them at the prices aſſeſſed.

II. And be it enacted, That all fermors, owners, broggers, and all other victuallers whatſoever, having or keeping any of the kinds of victuals afore rehearſed, to the intent to ſell, ſhall ſell the ſame to ſuch of the King's ſubjects as will buy them, at ſuch prices as ſhall be ſet and taxed by the ſaid proclamation, upon the pains to be expreſſed and limited in the ſaid proclamation, to be loſt, forfeited, and levied to the King's uſe, in ſuch wiſe as by the ſame proclamation ſhall be declared.

Head officers of corporate towns may ſet the prices of victuals.
23 Ed. 3. c. 6.
32 Ed. 4. c. 8.

III. Provided always, That this act or any thing therein contained, ſhall not be hurtful to mayors, ſheriffs, bailiffs, or other officers of cities, boroughs, or towns corporate, or to any other perſon or perſons, or bodies politick, having authority to ſet prices of ſuch victuals, or of any of them; but that they and every of them may ſet prices thereof, as if this act had never been had nor made.

No victual ſhall be tranſported without licence.
1 & 2 P. & M. c. 5.
5 El. c. 5, &c.

IV. And be it further enacted by authority aforeſaid, That no perſon or perſons, unleſs it be by licence under the King's great ſeal, from henceforth ſhall carry or convey, or cauſe to be carried and conveyed, any corn, beeves, muſtons, veals, porks, or any other of the aforeſaid victuals, to any of the parties beyond the ſea, (2) except only for the victualling of the town of *Calais*, *Guifnes*, *Hammes*, and the marches of the ſame, (3) and except for victualling of maſters, mariners, and merchants of ſhips paſſing the ſeas; (4) and alſo except barrellled butter and meal to be carried to the parties of *Iſeland*, as hath been accuſtomed, (5) upon pain of forfeiting of the value of the thing conveyed and carried into the parties beyond the ſea, contrary to this act; the one half thereof to the uſe of our ſaid ſovereign lord the King, and the other half to the party that will ſue for the ſame by bill, plaint, writ, or information in any of the King's courts; in which ſuits the defendant ſhall not wage his law, nor any protection or eſſoin for him ſhall be allowed.

C A P. III.

For ſuch as ſtand mute, &c.

2 And. 214.
Clergy not allowed to thoſe who ſtand mute, or who do make peremptory challenge.

WHERE at your parliament holden at Weſtminſter, in the three and twentieth year of your moſt noble reign, among other things it was ordained, eſtabliſhed and enacted, That no perſon or perſons which thereafter ſhould happen to be found guilty, after the laws of this land, for any manner of petit treaſon, or of any wilful murder of malice prepended, or for robbing of any churches, chapels, or other holy places, or for robbing of any perſon or perſons in their dwelling houſes or dwelling-place, the owner or dweller in the ſame houſe, his wiſe, his children, or ſervants then being within, and put

in fear and dread by the same, or for robbing of any person or persons in or near about the high-way, or for wilful burning of any dwelling-houses or barns, wherein any grain or corn shall happen to be; nor any person or persons being found guilty of any abetment, procurement, helping, maintaining, or counselling of or to any such petit treason, murders, or felonies, should from thenceforth be admitted to the benefit of his or their clergy, but utterly be excluded thereof, and suffer death in such manner and form as they should have done for any the causes or offences aforesaid, if they were no clerks; such as be within holy orders, that is to say, of the orders of subdeacon, or above, all only except, as more at large appeareth by the said act.

(2) And forasmuch as the said act extendeth only to such persons as be found guilty after the due course of the laws of this land, divers and many great errant robbers, murderers, burglars and felons, that do offend and commit divers and many petit treasons, robberies, burglaries and felonies, contrary to the tenor of the said act, perceiving and clearly understanding, by the words of the same statute and act, that they shall not lose the benefit and advantage of their clergy, unless they be found guilty after the due course of the law, upon their arraignment of and upon the said felonies, robberies, and other offences before said, so by them done and committed, by reason whereof divers and many of the same robbers and felons upon their arraignment of the same robberies and felonies, upon their indictments against them stand mute, and sometimes challenge peremptorily over the number of twenty, or else will not directly answer to the same indictments whereupon they be so arraigned according to the order of the law. (3) And for that these especial cases be not expressly comprised and contained within the letter of the same statute, it is necessary and expedient that the same case be clearly and definitively expounded and declared by authority of this present parliament. (4) And whereas also divers and many felons and robbers, that commit and do divers and many great heinous robberies and burglaries in one shire, and convey the spoil and robbery into any other shire, and there be taken, indicted, and arraigned upon felony and felonious stealing of the same goods in the same other shire, than there where the same robberies or burglaries were done and committed, and not upon the same robbery nor burglary, for that it was not done nor committed in the same shire where they be so indicted and arraigned, and by reason thereof the same misdemeanors, felons, robbers, and burglars, have and enjoy the privilege and advantage of their clergy, to the great hurt and loss of the King's prerogative, and great boldness of such offenders.

II. In consideration whereof, be it enacted by the King our sovereign lord, the lords spiritual and temporal, and the commons in this present parliament assembled, and by authority of the same, That every person and persons that is or hereafter shall be indicted of petit treason, wilful burning of houses, murder, robbery, or burglary, or other felony, according to the tenor and meaning of the same statute, and thereupon arraigned, and do stand mute of malice or froward mind, or challenge peremptorily above the number of twenty, or else will not or do not answer directly to the same indictment.

Certain defects in the statute of 23 H.8.c.1.

dict- not answer directly.

Repealed in
part by 1 Ed.
6. c.12. f.10.
and revived
by 5 & 6 Ed.
6. c.10. f. 4.

dictment and felony whereupon he is so arraigned, shall from henceforth lose the benefit and privilege of his or their clergy, in like manner and form as if he had directly pleaded to the same petit treason, murder, robbery, burglary, or other felony whereupon he is so arraigned, not guilty, and thereupon had been found guilty after the laws of the land.

III. And by the same authority be it further enacted, That if any person or persons hereafter be indicted of felony for stealing of any goods or chattels in any county within this realm of *England*, and thereupon arraigned and be found guilty, or stand mute of malice, or challenge peremptorily above the number of twenty persons, as is aforesaid, or will not upon his said arraignment directly answer to the same felony, that then the same person and persons so arraigned and found guilty, or stand mute of malice, or challenge peremptorily above the number of twenty persons, or will not directly answer to the law, shall lose and be put from the benefit of their clergy, in like manner and form as they should have been, if they had been indicted and arraigned, and found guilty in the same county where the same robbery or burglary was done or committed, if it shall appear to the justices before whom any such felons or robbers be arraigned, by evidence given before them, or by examination, that the same felonies, whereupon they be so arraigned, had been such robberies or burglaries in the same shire where such robberies or burglaries were committed or done, by reason whereof they should have lost the benefit of their clergy by force of the said statute, in case they had been found guilty thereof in the same shire where such robberies or burglaries were so committed or done.

A man at-
tainted where
the goods
were carried
which were
stolen in ano-
ther county.

28 H. 8. c.1.
Made perpet-
tual by 32 H.8.
c.3. f.7.

C A P. IV.

Only such persons as be merchants adventurers to *Iseland* for salt-fish, stock-fish, ling, haberdine, or lob-fish, or that be doggermen, or such as be fishermen that actually labour for the taking of the said fish in the east sea-side, or east sea-coast, shall buy any of the kinds of the same fish, at or upon the stone, or at the said east sea-side or east sea-coast, to sell the same again at any of the fairs of *Sturbridge*, *St. Ives*, or *Ely*.

Rep. 35 H.8.
c.7.

C A P. V.

For callendring of Worstedes.

The statute of
5 H.8. c.4.
touching cal-
lendring of
worstedes,
made perpet-
tual.

WHEREAS at the parliament holden at Westminster the xxij. day of January, in the fifth year of our sovereign lord's reign the King that now is, there was an act and one statute made, provided and established, for the avoiding of deceits and falseness of worsteds, as well by reason of dry callendring thereof with gums, oils and presses, as also by wet callendring, by persons having no cunning in ordering of the same, which act was made to endure but only to the parliament then next following: (2) and forasmuch as it is evidently known, that the same act and statute aforesaid is very good and necessary to the com-

common wealth of this realm: wherefore the King our sovereign lord, by the advice and consent of his lords spiritual and temporal, and the commons, of this present parliament assembled, and by the authority of the same, hath ordained, enacted and established, That the said act and statute made in the fifth year of his most noble reign aforesaid, and every thing therein contained, shall, from the feast of St. *Michael* the archangel next coming, continue and be good and effectual in every point and article of the same for ever.

II. And furthermore be it enacted and established by the authority aforesaid, for the common wealth of the city of *Norwich*, and maintenance, supportation and upholding of the houses, tenements and habitations of the same, That no manner of person using the craft or mystery of dying of worsteds, stamins or says, or any of them, neither by themselves, or any servant, factor, deputy, or any other by his commandment or assignment, from the feast of *Christmas* now next ensuing, shall use to callender any worsteds, stamins or says, or any other commodities made of worsted yarn, during all such time as the same person shall use the mystery or craft of dying aforesaid, upon pain to forfeit for every piece so dyed and callendered by colour, covin or fraud, contrary to the true meaning and intent of this present act, xl. s. and to be divided in three equal parts, the one part thereof to the King our sovereign lord, and another part to the mayor for the time being, and the third part to him or them that will sue for the same by bill, action of debt, plaint, information, or otherwise, in any of the King's courts, wherein no essoin, delay or protection shall be allowed.

No person which dyeth worsteds shall callender them.

CAP. VI.

The punishment of the vice of buggery.

FORASMUCH as there is not yet sufficient and condign punishment appointed and limited by the due course of the laws of this realm, for the detestable and abominable vice of buggery committed with mankind or beast: (2) it may therefore please the King's highness, with the assent of his lords spiritual and temporal, and the commons of this present parliament assembled, That it may be enacted by authority of the same, that the same offence be from henceforth adjudged felony, and such order and form of process therein to be used against the offenders as in cases of felony at the common law; (3) and that the offenders being hereof convicted by verdict, confession, or outlawry, shall suffer such pains of death, and losses and penalties of their goods, chattels, debts, lands, tenements and hereditaments, as felons be accustomed to do, according to the order of the common laws of this realm; (4) and that no person offending in any such offence, shall be admitted to his clergy; (5) and that justices of peace shall have power and authority, within the limits of their commissions and jurisdiction, to hear and determine the said offence, as they do use to do in cases of other

3 Inst. 59.

He that committeth buggery with mankind or beast shall be adjudged a felon. Made perpetual 31 H. 8. c. 3. and repealed in part by 2 & 3 Ed. 6. c. 29. and in the whole by 1 Mar. sess. 1. c. 1. & revived

felo-

and made perpetual by 5 El. c. 17. felonies. (6) this act to endure till the last day of the next parliament.

CAP. VII.

EXP. No person with any nets, engines, or device, shall take any fry, or spawn of eels, or falmon, in any waters, upon pain of forfeiture of v. li. and his said nets, engines, &c. during ten years.

CAP. VIII.

The high ftreet in *Holbourn*, between *Holbourn* bridge, and the bars, at the west end of the said ftreet, shall be paved on both fides with paving stone, at the charges of the tenant in fee-fimple, fee-tail, or for life, of the lands thereunto adjoining, their heirs and fucceffors, and they shall from time to time maintain the fame paved; and if the leffees do it, they may default fo much of their rent; and the mayor and aldermen of *London* may enquire every quarter of a year by the oaths of twelve men of the offenders. The like order shall be obferved for the paving of the ftreets in *Southwark*; and he that doth not from time to time maintain the pavements fufficiently againft his own ground, shall forfeit to the King, for every yard fquare not repaired, fix-pence.

CAP. IX.

A bill concerning pewterers.

How pewterers shall use their trade.

19 H. 7. c. 6.
4 H. 8. c. 7.

The caufe why the trade of pewterers did increafe, and now doth decay in this realm.

IN their moft lamentable wife fbrewen, and piteoufly complaining unto the King's moft royal majefty, and to this his moft high court of parliament, the King's moft humble, poor and obedient fubjects, the mafter, wardens and poor fellowfhip of the craft and myftery of the pewterers, as well of the city of *London*, as of all other places within this realm of *England*, that where the faid craft or myftery before this time hath been one of the beft handicrafts within this realm, which hath only grown and continued by mean of divers good acts and ftatutes made for the true exercife of the fame, whereof one was made in the nineteenth year of the reign of the King's moft renowned father, (whose foul God pardon) and one other was made in the fourth year of the King's moft victorious reign, concerning the crafts of pewterers and brafiers, of and for the true making, mixing and felling of good and true pewter and brafen veffels, and alfo for ufing and exercifing of true weights and beams, to be occupied by the fellers of any fuch pewter or brafen veffels within this realm, fo that none of the King's fubjects, nor any other perfon, fhould by any fale of any falfe mixed brafen and pewter vefel, or any untrue weights, be deceived, as by the faid eftatutes more plainly doth appear; (2) which good ftatutes, duly put in execution, hath caufed the faid craft to increafe and multiply, to the great profit and utility of a great number of the King's fubjects, and the commoditie of pewter vefel much to be had in reputation in all ftrange regions and countries, until now of late divers evil difpofed perfons, being the King's fubjects born, which have been apprentices, and brought up in the exercife of the faid craft of pewterers, have now of late, for their fingular lucre, repaired into ftrange regions and countries, and there do exercife the faid craft

of pewterers, teaching strangers not only the cunning of mixing and forging of all manner of pewter vessel, but also do teach all things belonging to the said craft of pewterers, by mean whereof there is not only brought daily into this realm, out of strange regions, to be sold, great number of things made of pewter, untruly mixed and made of tin, wherewith the King's subjects be daily deceived, and the people of strange countries greatly instructed in the cunning of the said craft of pewterers, so that thereby not only a great number and quantity of pewter vessel, and other things of pewter, made in divers sorts and fashions, amounting to a great value, which was daily and continually wont to be carried and conveyed out of this realm by merchants into strange regions and countries, there to be sold and vendèd, whereby the commodity of tin made into pewter vessel, which hath been had in great estimation, as things very necessary and commodious, and the King's customs thereby much advanced, is now like utterly to cease and decay, and not to be esteemed as heretofore hath been, but also the said craft of pewterers, which at this day setteth and keepeth in work and occupation a great number of people, shall be utterly undone, and a great multitude of the King's natural subjects thereby fall into idleness, to the great impoverishment of this realm, if speedy remedy for the redress of the premisses be not provided; (3) in tender consideration whereof, and for reformation of the premisses, it may please the King's highness, by the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, to ordain and enact, That no person or persons hereafter, at any time now inhabiting, or which hereafter shall inhabit within this realm, shall buy, or otherwise take by exchange for other wares, any manner wares made, or hereafter to be made out of this realm, of tin, or mixt with tin, as platters, dishes, saucers, pots, basons, ewers, flaggons, goblets, salts, saltcellars, spoons, or any other thing made of tin or pewter as aforesaid, whatsoever it be, upon pain of forfeiture of the same ware, in whose hands soever it may be found or taken, and also lawful money current in this realm to the full value thereof; the one half of the same forfeiture to be to the use of the King's highness, the other half to be to the use of the finders of the same.

No person shall buy any wares made of tin out of the realm.

II. And furthermore be it enacted, That it shall be lawful to the master and wardens of the said craft of pewterers, as well within the city of London, as within every other city, borough and town of this realm, where such wardens be, and where no such wardens be to the head officer or governor, head officers or governors of the same city, borough or town for the time being, to appoint divers persons most expert in knowledge of the same, to make search and seisure, and to take into their hands and possessions all such wares as hereafter shall be brought contrary to the true intent and effect of this present act, in whose soever hands or possession any such shall be found.

Officers may search and seize wares brought into this realm contrary to this statute.

III. And also be it enacted by the authority abovesaid, That no person or persons occupying the said craft or occupation of pewterers within this realm, shall set on work, or retain in his

No pewterer shall take a stranger born

to be an apprentice or journeyman. Rep. 5. El. c. 4.

No ſtranger born ſhall work any pewter or tin.

No pewterer ſhall teach his trade in a foreign country.

or their ſervice, any perſon or perſons to be his or their apprentice or journeyman, being ſtranger born out of this realm, upon pain to forfeit for every ſuch apprentice and journeyman, x. li. ſterling; (2) and that no ſtranger born out of this realm ſhall occupy, exerciſe or uſe, from the feaſt of *Pentecoſt* next coming, the ſaid craft of pewterers, ne work any manner of veſſel, or other ware aforeſaid, to be made of tin or pewter, within any place or places of this realm, upon pain of forfeiture of ten pound ſterling, and alſo upon pain of forfeiture of the ſame pewter or tin ſo wrought, in whole hands ſoever it may be found or taken.

IV. And alſo be it enacted by authority aforeſaid, That no perſon, or perſons being born within this realm, occupying or exerciſing the ſaid craft of pewterers, ſhall at any time hereafter reſort into any ſtrange regions or countries, there to uſe, teach or exerciſe the ſaid craft of pewterers, upon pain to loſe the privilege and benefit of an *Engliſhman*.

V. And if in caſe any of the King's ſubjects at this preſent time being dwelling in any ſtrange country or region, and there occupying the ſame craft of pewterers, do not repair into this realm within three months next after requeſt and warning to him to be given, by writing ſealed with the common ſeal of the wardens of the ſaid craft within the ſaid city of *London*, and here in this realm continually from henceforth dwell and inhabit, that then and from thenceforth he ſhall be reputed and taken as no *Engliſhman*, but ſhall ſtand, and be from thenceforth out of the King's protection.

Licences and placards made to hawkers for pewter ſhall be void.

Pewter ſhall be ſold in fairs and markets, and in the owners houſes, and not elſewhere.

VI. *And forasmuch as ſundry evil-diſpoſed perſons, which commonly been called hawkers, by authority of the King's letters patents or placard, do not only go about from place to place within this realm, uſing buying and ſelling of braſs and pewter, and by colour and pretence of the ſame licences or placards, uſe unlawful and deceivable weights and beams, but alſo do uſe to ſell both braſs and pewter which is not good, nor truly nor lawfully mixt nor wrought, to the great deceit of the King's true liege people, contrary to the form and effect of the ſaid good act and ſtatute made in the ſaid fourth year of the King's moſt noble reign: (2) be it therefore enacted by authority of this preſent parliament, That all ſuch licences and placards heretofore had, made or granted, to any ſuch perſon or perſons; contrary to the true meaning, form and effect of this ſtatute, ſhall be from henceforth, by authority of this preſent parliament, clearly void and of none effect. (3) And whereas in the ſaid act of parliament, concerning the craft of pewterers and braſiers, made in the ſaid fourth year, for divers cauſes and conſiderations in the ſame act contained, amongst other things it is expreſſed, That no other perſon or perſons uſing the ſaid craft of pewterers or braſiers, ſhould from thenceforth ſell or change any pewter or braſs, new or old, at any place or places within this realm, but only in open fairs or markets, or in their own dwelling-houſes, but if they were deſired by the buyers of ſuch wares, upon pain of forfeiture for every ſuch default x. li., (4) Forasmuch as the ſame forfeiture is to the only uſe*

use of the King's highness, and that any party searching or finding the same, is not intituled to have any benefit thereby, it hath not been known that any person or persons have taken any pain to search, or make any enquiry thereof, by reason whereof divers and many evil-disposed persons, using buying and selling both of brass and of pewter, and not regarding the said good act, neither the said penalty, daily go about from village to village, town to town, and from house to house, to sell such pewter and brass which is not good, and also use deceptible weights and beams, as they did before the making of the said act, to the great hurt and deceit of the King's true liege people and subjects:

(5) wherefore be it enacted by the authority aforesaid, That as well the moiety of the said forfeiture of x. li. limited in the said statute made in the said fourth year, as also the moiety of all other forfeitures before expressed, and every of them, be and shall be to the use of the King's highness, his heirs and successors, and the other moiety of the same forfeitures, and every of them, to the use of him or them that shall seize, find or present the said forfeitures, or any of them, or that shall sue for the same in any competent court or courts within this realm, by action of debt, bill, plaint or information, wherein the defendant shall in no wise be admitted to wage his law, nor any protection or essoin to any person or persons, which shall be impeached to have offended contrary to the form and effect of this estatute, shall be allowable. (6) This act to endure to the last day of the next parliament.

Who shall have the forfeitures, and by what means they shall be recovered.

Continued by 37 H. 8. c. 23.

Made perpetual 33 H. 8. c. 4.

C A P. X.

An act concerning the acceptance of the oath to the act of sewers.

BE it enacted by authority of this present parliament, That the act late made for sewers, and the commission therein recited, shall be extended, used, and put in execution in the town and marches of *Calais*, according to the tenor of the same commission, in like effect as it is enacted to be put in execution within this realm; (2) and that no person shall be compelled to be sworn, or otherwise bound to sit or travel in execution of any commission of sewers within this realm, unless that he be dwelling within the county whereof he is, or shall be assigned to be commissioner; and for *Calais*, and the said marches thereof, unless that he be dwelling within the same town of *Calais*, or marches.

Every commissioner of sewers to dwell in the same county.

II. And because that divers persons heretofore assigned to be commissioners, have refused to be sworn according to the said former act, whereby divers commissions heretofore made remain hitherto without effectual execution: (2) be it therefore enacted, That if any person assigned or to be assigned to be such commissioner of sewers, being required hereafter by such person or persons as have or shall have authority, by the King's writ or otherwise, to receive or accept the oath comprised in the said former act, every person that so refuseth to take the same oath, or upon that request made doth not receive the same oath, and that refusal of

The forfeiture of a commissioner of sewers refusing to take the oath assigned by the statute of 23 H. 8. c. 5.

contempt done in the chancery, or returned into the chancery with the said writ, shall lose and forfeit for the same contempt to the King our sovereign lord, five marks, (3) and so to lose, from time to time, five marks for every such contempt as shall be done or returned into the said chancery against any such persons, unless that he in the same chancery do shew and allege in the said term, wherein such return shall be made against him, sufficient and reasonable matter and cause to be allowed by the lord chancellor for his excuse and discharge in that behalf.

CAP. XI.

To avoid destroying of wild-fowl.

The cause of
the decay of
wild-fowl.

WHERE before this time there hath been within this realm great plenty of wild-fowl, as ducks, mallards, wigeons, teals, wild-geese, and divers other kinds of wild-fowl, whereby not only the King's most honourable household, but also the houses of the noblemen and prelates of this realm, have been furnished for the necessary expences of the same houses, at convenient prices, but also all markets of the same realm were sufficiently furnished with wild-fowl, there to be sold, in such wise that such as were meet to make provision of the same for their houses, might at reasonable prices, at the same markets, be thereof provided; (2) nevertheless, divers persons next inhabiting in the countries and places within this realm, where the substance of the same wild-fowl hath been accustomed to breed, have in the summer season, at such time as the said old fowl be moulted, and not replenished with feathers to fly, nor the young fowl fully feathered perfectly to fly, have by certain nets and other engines and policies, yearly taken great number of the same fowl, in such wise that the brood of wild-fowl is almost thereby wasted and consumed, and daily is like more and more to waste and consume, if remedy be not therefore provided.

Wild-fowl
shall not be
taken between
the last day of
May and the
last day of
August.
Rep. 3 & 4 Ed.
6. c. 7. and
revived by 21
Jac. 1. c. 28.
and farther
continued by
3 Car. 1. c. 4.
& 16 Car. 1.
c. 4.

Justices may
enquire of,
hear and
determine
these offences.
Freeholders of
40s per. ann.

II. Be it therefore enacted by the king our sovereign lord, by the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That it shall not be lawful to any person or persons hereafter, between the last day of *May* and the last day of *August*, to take, or cause to be taken, any such wild-fowl with nets or any other engines, (2) upon pain of one year's imprisonment, and to forfeit for every fowl so taken iv. d. the one half thereof to be to the King our sovereign lord, and the other half to him that will sue for the same by action of debt in any of the King's courts, and in the which action none essoin nor protection shall be allowed, nor wager of law received.

III. And be it enacted by authority aforesaid, That all justices of peace, within the limits of their commission, shall have power and authority to enquire, hear and determine the offences aforesaid, like as they commonly use and do in cases of trespasss.

IV. Provided always, That it shall be lawful to any gentleman, or any other that may dispend forty shillings by the year of freehold, to hunt and take such wild-fowl with their spaniels only,

only, without using any net or other engine for the same, except it be a long-bow or long-bows.

V. Provided also, and be it enacted by the same authority, That from the first day of *March*, which shall be in the year of our Lord God 1534. unto the last day of *June* then next ensuing, and so yearly from thenceforth, no manner of person or persons shall presume, by day or by night, willingly to withdraw, purloin, take, destroy, or convey any manner of eggs of any kind of wild-fowl, from or in any nest, place or places where they shall chance to be laid by any kind of the same wild-fowl, (2) upon pain of imprisonment for one year, and to lose and forfeit for every egg of any crane or bustard, so destroyed, purloined, withdrawn, conveyed, or taken from any nest or place, xx. d. and for every egg of every bittour, heron or shoveler, viii. d. and for every egg of every mallard, teal, or other wild-fowl, one peny; (3) the one moiety thereof to be to the King our sovereign lord, and the other half to him that will sue for the same in form aforesaid, wherein no wager of law, essoin or protection shall be allowed; (4) and that all justices of peace, within the limits of their commission, shall have full power and authority to enquire, hear and determine the same in form before rehearsed.

VI. Provided always, That this act extend not, nor be hurtful at any time hereafter, to any person or persons that will destroy any crows, choughs, ravens and buffards, or their eggs, or to any other fowl or their eggs not comestible, nor used to be eaten.

CAP. XII.

Elizabeth Barton of *Kent*, and others attainted of high treason, for that under colour of hypocrisy, revelations, and false miracles practised by the said *Elizabeth*, they conspired to impugn and slander the divorce between the King and Queen *Katherine*, his first wife, the last marriage between him and Queen *Anne*, his second wife, to destroy the King, and to deprive him of his crown.

EXP:

CAP. XIII.

Concerning the number of sheep one should keep.

FORASMUCH as divers and sundry persons of the King's subjects of this realm, to whom God of his goodness hath disposed great plenty and abundance of moveable substance, now of late within few years have daily studied, practised, and invented ways and means how they might accumulate and gather together into few hands, as well great multitude of farms as great plenty of cattle, and in especial sheep, putting such lands as they can get to pasture, and not to tillage, (2) whereby they have not only pulled down churches and towns, and enhanced the old rates of the rents of the possessions of this realm, or else brought it to such excessive fines that no poor man is able to meddle with it, but also have raised and enhanced the prices of all manner of corn, cattle, wool, pigs, geese, hens, chickens, eggs, and such other, almost double above the prices which have been accustomed;

What number of sheep men may keep.

customed; (3) by reason whereof a marvellous multitude and number of the people of this realm be not able to provide meat, drink and clothes necessary for themselves, their wives and children, but be so discouraged with misery and poverty, that they fall daily to theft, robbery and other inconveniences, or pitifully die for hunger and cold; (4) and as it is thought by the King's most humble and loving subjects, that one of the greatest occasions that moveth and provoketh those greedy and covetous people so to accumulate and keep in their hands such great portions and parts of the grounds and lands of this realm from the occupying of the poor husbandmen, and so to use it in pasture, and not in tillage, is only the great profit that cometh of sheep, which now be come to a few persons hands of this realm, in respect of the whole number of the King's subjects, that some have four and twenty thousand, some twenty thousand, some ten thousand, some six thousand, some five thousand, and some more, and some less; (5) by the which a good sheep for victual, that was accustomed to be sold for two shillings four-pence, or three shillings at the most, is now sold for six shillings, or five shillings, or four shillings at the least; (6) and a stone of clothing wool, that in some shires of this realm was accustomed to be sold for eighteen-pence or twenty-pence, is now sold for four shillings, or three shillings four-pence at the least; and in some countries where it hath been sold for two shillings four-pence, or two shillings eight-pence, or three shillings at the most, it is now sold for five shillings, or four shillings eight-pence the least, and so are raised in every part of this realm; (7) which things, thus used, be principally to the high displeasure of Almighty God, to the decay of the hospitality of this realm, to the diminishing of the King's people, and to the let of the cloth-making, whereby many poor people have been accustomed to be set on work; and in conclusion, if remedy be not found, it may turn to the utter destruction and desolation of this realm, which God defend; (8) it may therefore please the King's highness, of his most gracious and godly disposition, and the lords spiritual and temporal, of their goodness and charity, with the assent of the commons, in this present parliament assembled, to ordain and enact by the authority of the same, That no person or persons from the feast of Saint Michael the archangel; which shall be in the year of our Lord God 1535. shall keep, occupy or have in his possession, in his own proper lands, nor in the possession, lands nor grounds of any other which he shall have or occupy in farm, nor otherwise have of his own proper cattle, in use, possession or property, by any manner of means, fraud, craft or covin, above the number of two thousand sheep at one time, within any part of this realm, of all sorts and kinds, (9) upon pain to lose and forfeit for every sheep that any person or persons shall have or keep above the number limited by this act, iii. s. iv. d. the one half to the King our sovereign lord, and the other half to such person as will sue for the same, by original writ of debt, bill, plaint or information in any court of record, in which suit the defendant shall not wage his law, nor have any essoin or protection allowed.

The several enormities that do ensue by the greedy desire of having many sheep.

No man shall have above 2000 sheep.

II. Provided alway, That lambs shall not be accounted of the number of the sheep prohibited by this act, so long as they be under the age of a year, and not above.

Lambs under one year old shall not be counted sheep.

III. Provided also, That if any person having sheep of his own, happen to be made executor, or to be administrator to any person which had sheep at his death, or happen to be married to any person which shall happen to have sheep at the time of the marriage, by reason whereof the person so being executor or administrator, or being so married, shall happen by such means to be advanced, and have above the said number of two thousand sheep; that then in every such case the person so advanced to lose no penalty for having above the number of two thousand sheep by such means, so that within one year next after such advancement, the person so advanced, from time to time, as often as any such case shall happen, do put to sale, or otherwise dispose so many of the said sheep so to him advanced, or else of his own sheep that he had before, so that above one year he shall not keep, have or occupy by any such means, or otherwise by any fraud or covin, any more number of them than is before limited by this act, upon the pain before rehearsed.

Sheep coming by executorship or marriage.

IV. Provided also, That if any person by his last will and testament give to any child within age any number of sheep, and appoint them by his said will to be kept by his executors, or by any other person, until such time as the said child shall come to a certain age limited by his will, that then in every such case, after the death of the testator, the said sheep, so being in the possession and occupation of the executors, or of any other person to the use of any such child within age, for that time only that the said child shall be within the age that he shall be limited to have the said sheep by the will of the testator, shall not be accounted against the said executors, nor any person so having the said sheep, for the intent aforesaid, any of the number of the sheep prohibited by this act; any thing in this act to the contrary thereof notwithstanding.

Sheep bequeathed by will to a child within age.

V. And it is further enacted, That the justices of the peace of every shire shall have power and authority to enquire of the offenders of this act, as well by the oaths of twelve men, as by information of any of the King's subjects, and to make such like process upon every presentment or information concerning this act, as they use commonly to do upon presentments before them of trespass; and that no person being convicted by confession or otherwise, that he hath done or attempted contrary to this act, shall be put to any less fine than after the rates of the forfeitures afore limited by this act.

Justices of the peace shall enquire of the offenders of this act.

VI. Provided always, That no person shall be put to any answer or loss of any forfeiture by virtue of this act, at the suit of any the King's subjects, by any original writ of debt, bill, plaint or information, except the suit be commenced within one year next after the offence done or committed contrary to this act: (2) nor that any person shall be put to answer, nor to any loss of any forfeiture by virtue of this act, by reason of any

Within what time the suit shall be commenced against an offender.

any presentment, action or information at the King's suit, except the same presentment, action or information be had and made for the King within three years next after the offence done or committed.

Every person temporal may keep upon his inheritance, &c. as many sheep as he will.

VII. Provided always, That all and every person and persons, being the King's temporal subjects of this realm, and born under his obedience, which at this present time, or at any time hereafter shall have or be seized of inheritance, in possession or in use, or that now hath, or hereafter shall have juncture in use or in possession, or be or shall be tenant in dower, or by the curtesy of *England*, of or in any manors, lands, tenements, pastures, feedings or liberty of foldage within any part of this realm of *England*, *Wales*, or the marches of the same, that every such person and persons, having any such possession to his own use, and every such person and persons, to whose use any other person or persons now is or be, or hereafter shall be seized of any such estate, as is before rehearsed, may at all times hereafter have, enjoy, keep and maintain upon the same their own demesne lands, and all other their pastures, feedings and fold-courses, which they so have, as many their own sheep and lambs in number to their own proper use, profit and behoof, as they or any of them of right had, or lawfully might have had and kept upon the same, or upon any part thereof, at any time before the making of this present act, this act, or any thing therein contained or specified to the contrary in any wise notwithstanding.

Two thousand sheep may be kept by any person upon demesne and farms.

VIII. And over that be it enacted by the authority aforesaid, That in case any such person or persons, having any such estate in use or in possession, of or in any manors, lands, tenements, pastures, feedings, or liberties of fold-courses, as is before expressed, have or do keep upon the same their possessions the number of two thousand sheep, or above, the same person or persons so having the number of two thousand sheep, or above, shall not in any wise keep, sustain, or have any sheep above or beside the said number of two thousand upon any lands, pastures or feedings, which the same person or persons have, or hereafter shall have, or take in ferm or otherwise, upon such like pains and forfeitures for the same, as be limited in the said act; that is to say, for every sheep over and above the said number of two thousand, three shillings four-pence: (2) And in case the said demesne lands, tenements, pastures, feedings and liberties of fold-courses of any person or persons before rehearsed, suffice not for the feeding, pasturing and keeping of two thousand sheep, as is aforesaid, that then every such person shall and may have, sustain, or feed upon his said demesne lands, and upon his ferm-holds, which he lawfully may have, to the said number of two thousand sheep, and not above, upon pain of forfeiture for every sheep above that number, iij. s. iv. d.

Sheep for the maintenance of his house above two thousand.

IX. Provided alway, and be it enacted, That it shall be lawful to every person or persons within this realm, keeping a household, to have from time to time such convenient number of sheep over and above the number expressed in this act, as shall be

be necessary for the only expences of his household, to be provided, kept and fed, in and upon his own lands, or other lands, such as he can or lawfully may have or provide for, in ferm or otherwise; any thing in this present act contained to the contrary notwithstanding; (2) so that the same housholder at no one time shall have or keep, for the expences of his household, or by colour of the same, over and above the number to him limited by this act, any number of sheep more than shall suffice for the only expences of his household for one year, without fraud or covin; any thing in this present act mentioned or expressed to the contrary notwithstanding.

X. Be it also further enacted by the authority aforesaid, That no manner of person or persons, of what degree soever he or they be, being lord or lords, owner or owners, farmer or farmers, of or in any liberty of fold-courses within any town, tything, village or hamlet within any of the counties of *Norfolk* and *Suffolk*, from and after the feast of the nativity of our Lord God next coming, shall take in farm for term of years, or otherwise, any quilletts of lands or pastures, that is to say, any number of acres of land or pasture appertaining to any other person or persons, lying and being within the limit, extent or precinct of the said liberty of the said fold-courses; (2) but that they shall permit and suffer the said persons, having or being, for the time, owner or owners, lessee or lessees of the said quilletts, to manure and pasture the said quilletts; (3) and also to suffer the sheep of the said owner or owners, farmer or farmers of the said quilletts, after the rate of the same quilletts, to go with the flock of the owner, farmer or occupier of the said liberty or liberties of the said fold-courses, paying the customary charges for the keeping and feeding of the same, after the rate and use of the country there commonly used, without any interruption therein to be made by the said owner or owners, farmer or farmers, or occupiers of the said liberties, (4) upon pain of forfeiture for every time that any such person having any such quillet, that shall be so letted or disturbed of feeding, keeping or pasturing any of his sheep, so to be fed and kept after the rate of his said quillet, for every such sheep iii. s. iv. d.

How fold-courses in Norfolk shall be used, and quilletts of land.

XI. Provided alway, That this act, or branch concerning quilletts, or any thing therein contained, shall not in any wise be available to any tenant, owner or occupier of any such quillet or quilletts, to claim, have, or use hereafter any such pasture, or feeding of his sheep, in or with any such fold-courses, but only where the tenants, owners and occupiers of any such quilletts have had, or might have had heretofore of right and duty, or used to have pasture and feeding in the said fold-courses, by reason of their tenures, and occupations of the same quillet and quilletts, and none otherwise; (2) and where they have not used, ne ought to have any sheep fed or kept within any such fold-courses, by reason of the said tenures, That the owners or occupiers of such fold-courses may take such quilletts, lying within their fold-courses, in farm, agreeing with the owners or occupiers of the said quilletts for the same.

To which sort of quilletts this statute doth extend, and to which not.

Six fcore of
sheep fhall be
accounted an
hundred.

XII. *And forasmuch as the number of the C. of sheep in every country be not like, in some country the great C. where fix fcore is accounted for the C. and some country but only five fcore; it is eft declared by this prefent act, that the number of two thousand fheep, limited to every perfon by this act, fhall be accounted ten C. for every thoufand, after the number of the great hundred, and not after the lefs hundred, fo that every thoufand fhall contain twelve hundred after the lefs number of the hundred.*

When lambs
fhall be taken
for fheep.

XIII. It is alfo further provided by the authority aforefaid, That lambs under the age of one whole year, and as much as fhall be from the time of the falling of them unto the feaft of the *nativity* of St. *John Baptift*, in any year to come, fhall not be adjudged, ne taken for fheep prohibited in this ftatute; any thing in this act to the contrary notwithstanding.

No man fhall
take above
two farms.
32 H. 8. c. 28.

XIV. It is alfo further enacted by authority aforefaid, That no manner perfon after the faid feaft of the *nativity* of our Lord, fhall receive, or take in farm for term of life, years, or at will, by indenture, copy of court-roll, or otherwife, any more houfes and tenements of husbandry, whereunto any lands are belonging, in town, village, hamlet, or tithing within this realm, above the number of two fuch holds or tenements; (2) and that no manner perfon fhall have or occupy any fuch holds, fo newly taken, to the number of two, as is before expreffed, except he or they be dwelling within the fame parifhes where fuch holds be, upon the pain of forfeiture for every week that he or they fhall have, occupy, or take any profits of fuch holds, contrary to this act, iii. s. iv. d. The one moiety of which forfeiture to be to the King our fovereign lord, and the other moiety to the party that will fue for the fame in any of the King's courts, by bill, plaint, information, or otherwife, within one year next after fuch contempt and offence committed and done, in the which none effoin, protection, ne wager of law fhall be admitted or allowed.

4 H. 7. c. 19.
7 H. 8. c. 1.

XV. It is alfo further enacted by authority aforefaid, That the ftatutes made the fourth year of the noble prince, King *Henry* the Seventh, and in the feventh year of the reign of our fovereign lord the King that now is, concerning the decay of towns, and maintenance of tillage and husbandry, fhall be good and effectual in every thing according to the true purport and intent of the fame; any thing in this prefent act to the contrary notwithstanding.

Spiritual per-
fons.

XVI. Provided alfo, That it may be lawful to all fpiritual perfons, and every of them, to keep fuch and as many fheep upon their own lands, and after fuch form and manner, and none otherwife, as they might have done afore the making of this act; any thing mentioned in the fame to the contrary notwithstanding.

CAP. XIV.

A repeal of the ftatute of 2 H. 4. c. 15. and a confirmation of the ftatutes of 5 R. 2. St. 2. c. 5. & 2 H. 5. St. 1. c. 7. touching

ing the punishment of hereticks. Sheriffs in their turns, and stewards in their leets, rapes and wapentakes, shall have authority to enquire of hereticks; and every such presentment made in any turn, leet, &c. concerning hereticks, shall be certified to the ordinary. Every person presented or indicted of any heresy, or duly accused by two lawful witnesses, may be cited, arrested, or taken by an ordinary, or other of the King's subjects, and committed to the ordinary; to answer in open court, and being convicted, shall abjure his heresies, and refusing so to do, or falling into relapse, shall be burned in an open place for example of others.

12 Co. 57.

Rep. 1 Ed. 6. c. 12.

CAP. XV.

An act for printers, and binders of books.

WHEREAS by the provision of a statute made in the first year of the reign of King Richard the Third, it was provided in the same act, That all strangers repairing into this realm, might lawfully bring into the said realm printed and written books, to sell at their liberty and pleasure; (2) by force of which provision there hath come to this realm sithen the making of the same, a marvellous number of printed books, and daily doth; and the cause of the making of the same provision seemeth to be, for that there were but few books, and few printers within this realm at that time, which could well exercise and occupy the said science and craft of printing; nevertheless, sithen the making of the said provision, many of this realm, being the King's natural subjects, have given them so diligently to learn and exercise the said craft of printing, that at this day there be within this realm a great number cunning and expert in the said science or craft of printing, as able to exercise the said craft in all points, as any stranger in any other realm or country: (3) and furthermore, where there be a great number of the King's subjects within this realm, which live by the craft and mystery of binding of books, and that there be a great multitude well expert in the same, yet all this notwithstanding, there are divers persons that bring from beyond the sea great plenty of printed books, not only in the Latin tongue, but also in our maternal English tongue, some bound in boards, some in leather, and some in parchment, and them sell by retail, whereby many of the King's subjects, being binders of books, and having no other faculty wherewith to get their living, be destitute of work, and like to be undone, except some reformation herein be had: be it therefore enacted by the King our sovereign lord, the lords spiritual and temporal, and the commons in this present parliament assembled, and by authority of the same, That the said proviso, made the first year of the said King Richard the Third, from the feast of the Nativity of our Lord God next coming, shall be void and of none effect.

A repeal of the statute of 1 R. 3. c. 9. touching bringing into this realm and binding of books. Bound books brought from beyond sea prohibited to be sold again.

II. And further be it enacted by the authority aforesaid, That no person or persons, resident or inhabitant within this realm, after the said feast of Christmas next coming, shall buy to sell again, any printed books, brought from any parts out of the King's obedience, ready bound in boards, leather or parchment, upon pain to lose and forfeit for every book bound out of the

ſaid King's obeſſance, and brought into this realm, and bought by any perſon or perſons within the ſame to ſell again contrary to this act, vi. s. viij. d.

No man ſhall buy books by retail brought from beyond ſea by any ſtranger.

III. And be it further enacted by the authority aforeſaid, That no perſon or perſons inhabitant or reſiant within this realm, after the ſaid feaſt of *Chriſtmas*, ſhall buy within this realm, of any ſtranger born out of the King's obedience, other than of denizens, any manner of printed books brought from any the parties beyond the ſea, except only by engroſs, and not by retail, upon pain of forfeiture of vi. s. viij. d. for every book ſo bought by retail, contrary to the form and effect of this eſtate; (2) the ſaid forfeitures to be always levied of the buyers of any ſuch books contrary to this act; the one half of all the ſaid forfeitures to be to the uſe of our ſovereign lord the King; and the other moiety to be to the party that will ſeiſe or ſue for the ſame in any of the King's courts, be it by bill, plaint or information, wherein the defendant ſhall not be admitted to wage his law, nor no protection ne eſſoin ſhall be unto him allowed.

The prices of books exceſſively increaſed, ſhall be qualified by the King's great officers.

IV. Provided alway, and be it enacted by the authority aforeſaid, That if any of the ſaid printers or ſellers of printed books, inhabited within this realm, at any time hereafter happen in ſuch wiſe to inſance or increaſe the prices of any ſuch printed books, in ſale or binding, at too high and unreaſonable prices, in ſuch wiſe as complaint be made thereof unto the King's highneſs, or unto the lord chancellor, lord treaſurer, or any of the chief juſtices of the one bench or of the other; that then the ſame lord chancellor, lord treaſurer, and two chief juſtices, or two of any of them, ſhall have power and authority to enquire thereof, as well by the oaths of twelve honeſt and diſcreet perſons, as otherwiſe by due examination by their diſcretions. (2) And after the ſame inſancing and increaſing of the ſaid prices of the ſaid books and binding ſhall be ſo found by the ſaid twelve men, or otherwiſe by examination of the ſaid lord chancellor, lord treaſurer and juſtices, or two of them; that then the ſame lord chancellor, lord treaſurer and juſtices, or two of them at the leaſt, from time to time ſhall have power and authority to reform and redreſs ſuch inſancing of the prices of printed books from time to time by their diſcretions, and to limit prices as well of the books as for the binding of them; (3) and over that, the offender or offenders thereof being convicted by the examination of the ſame lord chancellor, lord treaſurer and two juſtices, or two of them, or otherwiſe, ſhall loſe and forfeit for every book by them ſold, whereof the price ſhall be inſanced for the book or binding thereof, three ſhillings four pence; the one half thereof ſhall be to the King's highneſs, and the other half to the parties grieved that will complain upon the ſame in manner and form before rehearſed.

CAP. XVI.

An act that every judge of the high courts may have one chaplain beneficed with cure.

WHERE in the parliament holden at Westminster in the xxi. year of the reign of our sovereign lord King Henry the Eighth, it was among other things ordained and provided, That certain honourable persons, as well spiritual as temporal shall have chaplains beneficed with cure, to serve them in their honourable houses, which chaplains shall not incur the danger of any penalty or forfeiture made or declared in the same parliament for nonresidence upon their said benefices, or for obtaining licences for dispensations of pluralities: (2) in the which act no provision was made for any of the King's judges of his high courts, commonly called the King's bench and the common pleas, except only for the chief judge of the King's bench, nor for the chancellor nor the chief baron of the King's exchequer, nor for any other inferior persons being of the King's most honourable council, as by the said act may appear.

21 H. 8. c. 13.

What persons may have a chaplain beneficed with cure.

II. Wherefore it is ordained and enacted by authority of this present parliament, That as well every judge of the said high courts, and every of the chancellor and chief baron of the said exchequer, the King's general attorney and general solicitor, which for the time is, be, or shall be, shall and may from henceforth at his liberty retain and have singularly to every of them in his house, or attendant to his person, one chaplain having one benefice with cure of souls, which may be absent from his said benefice, and not resident upon the same; the said statute made in the said one and twentieth year, or any other statute, act or ordinance made to the contrary in any wise notwithstanding.

Every of the judges of the King's bench and common pleas, &c. may have one chaplain having one benefice with cure of souls.

CAP. XVII.

Whosoever shall shoot in any hand-gun or cross-bow, or keep any in his house, except he has lands, annuities or offices, to the yearly value of an hundred pounds, shall forfeit ten pounds for every offence; (2) and a justice of the peace may commit the offender to the gaol until he hath paid the same forfeiture. (3) All former placards made to shoot in either of them shall be void.

19 H. 7. c. 4.
3 H. 8. c. 13.
6 H. 8. c. 13.
14 H. 8. c. 7.
Rep. 33 H. 8. c. 6.

CAP. XVIII.

An act for clothiers in Worcester-shire.

SHEWETH unto the King our sovereign lord, and to the lords spiritual and temporal, and to the commons, in this present parliament assembled, the citizens, burgeses and inhabitants of the city of Worcester, and of the towns of Evesham, Droitwich, Kederminster, and Bromisgrove, within the county of Worcester, That where the said city, boroughs and towns have been in times past well and substantially inhabited, occupied, maintained and upholden by reason of making of woollen cloths, called Long Cloths, Short Cloths and other cloths, as well whites, blues and brown-blues, and the poor people of the same city, boroughs and towns, and of the country adjoining to them,

them, daily set a work, as in spinning, carding, breaking and sorting of wools, and the handicrafts there inhabiting, as weavers, fullers, shearmen and dyers, have been well set a work, and had sufficient living by the same, until now within few years passed, that divers persons inhabiting and dwelling in the hamlets, thorps and villages adjoining to the said city, boroughs and towns within the said shire, for their private wealths, singular advantages and commodities, nothing regarding the maintenance and upholding of the said city, boroughs and towns, ne the common wealth of the said handicrafts inhabiting and dwelling within the said city, boroughs and towns, ne the poor people which had living by the same, have not only ingrossed and taken into their hands divers and sundry farms, and become farmers, graziers and busbandmen, but also do exercise, use and occupy the mysteries of cloth-making, weaving, fulling and shearing within their said houses, and do make all manner of cloths, as well broadcloths, whites and plain cloths within their said houses in the countries abroad, to the great decay, depopulation and ruin of the said city, towns and boroughs:

What towns only in Worcester-shire shall make cloths,

II. For remedy whereof, and for the amendment and good advancement of the said city, boroughs and towns, be it enacted by authority of this present parliament, That after the last day of September, which shall be in the year of our Lord God 1536. no manner of person ne persons, of what degree or condition soever he or they be of, shall make or cause to be made within the said shire of Worcester, any manner of woollen cloths to be sold, except only such person or persons as after the said last day of September shall be dwelling and inhabiting within the said city of Worcester, the boroughs and towns of Evesham, Droitwich, Kederminster and Bromisgrove within the said county of Worcester, or in any one of them, upon pain of forfeiture for every such broad cloth made after the said day by any person or persons contrary to the true meaning of this act, xl. s.

The rents of the houses in those towns shall not be raised.
Rep. 21 Jac. 1.
c. 28.

III. And further it is provided by the authority aforesaid, That the lords and owners of the meases, tenements or cottages within the said city, or any of the towns and boroughs aforesaid, shall at no time hereafter dimit, fet or let any mease, tenement or cottage sufficiently repaired within the said city, boroughs, or towns before limited, to any person or persons, that hereafter shall inhabit in the said city, boroughs or towns, and exercising any of the said mysteries or crafts, at any higher rent, imposition or charge than was given for the same at any time within twenty years next before the making of this act only except.

Proviso for cloths not for sale.

IV. Provided alway, That this act be not hurtful ne prejudicial to any person or persons for making any cloths for their own wearing, their children or servants wearing.

Cloth shall be searched and sealed in the foresaid towns.

27 H. 8. c. 12.
Rep. 5 & 6 Ed.
6. c. 6. f. 50.

V. Also provided, That in the said city, and every town and borough aforesaid, there shall be due search made of every such cloth before said there made, and that they be meted both length and breadth, being wet from the mill, and before they be set upon the wrack and dried; (2) and that they shall be sealed with the seal of the searcher of the same city, town or borough, which seal shall have a stamp containing the true numbers for the

the length and breadth of the same cloth being wet, on pain of forfeiting for every cloth put to sale, not having the said seal of the searcher, xx. s. (3) and the sealer to forfeit for every cloth by him searched and sealed contrary to the true meaning of this act, vi. s. viii. d. the one half of the said forfeits to be to the King our sovereign lord, and the other half to the party that will sue for the same in any of the King's courts, by writ of debt, bill, plaint or information, in which actions or action the defendants or defendant shall not wage their law, ne any essoin or protection shall be allowed: (4) and the searcher shall have for the searching and sealing of every cloth a peny, and not above.

C A P. XIX.

The submission of the clergy, and restraint of appeals.

WHERE the King's humble and obedient subjects, the clergy of this realm of England, have not only knowledged according to the truth, that the convocations of the same clergy, is, always hath been, and ought to be assembled only by the King's writ, but also submitting themselves to the King's majesty, have promised in Verbo Sacerdotii, that they will never from henceforth presume to attempt, allege, claim or put in ure, or enact, promulge or execute any new canons, constitutions, ordinance provincial, or other, or by whatsoever other name they shall be called, in the convocation, unless the King's most royal assent and licence may to them be had, to make, promulge and execute the same; and that his Majesty do give his most royal assent and authority in that behalf: (2) and where divers constitutions, ordinances and canons provincial or synodal, which heretofore have been enacted, and be thought not only to be much prejudicial to the King's prerogative royal, and repugnant to the laws and statutes of this realm, but also overmuch onerous to his Highness and his subjects; the said clergy hath most humbly besought the King's highness, that the said constitutions and canons may be committed to the examination and judgment of his Highness, and of two and thirty persons of the King's subjects, whereof sixteen to be of the upper and neither house of the parliament of the temporalty, and the other sixteen to be of the clergy of this realm; and all the said two and thirty persons to be chosen and appointed by the King's majesty; (3) and that such of the said constitutions and canons, as shall be thought and determined by the said two and thirty persons, or the more part of them, worthy to be abrogated and adnulled, shall be abolite and made of no value accordingly; (4) and such other of the same constitutions and canons, as by the said two and thirty, or the more part of them, shall be approved to stand with the laws of God, and consonant to the laws of this realm, shall stand in their full strength and power, the King's most royal assent first had and obtained to the same; (5) be it therefore now enacted by authority of this present parliament, according to the said submission and petition of the said clergy, That they ne any of them from henceforth shall presume to attempt, allege, claim or put in ure any constitutions or ordinances provincial or synodal, or any other canons; nor shall enact, promulge or execute

Several canons have been prejudicial to the King's prerogative, and to the laws and statutes of this realm.

The clergy shall not enact any constitutions or ordinances without the King's assent.

execute

The convoca-
tion shall be
assembled by
the King's
writ.

cute any such canons, constitutions or ordinances provincial, by whatsoever name or names they may be called, in their convocations in time coming (which alway shall be assembled by authority of the King's writ) unless the same clergy may have the King's most royal assent and licence to make, promulge and execute such canons, constitutions and ordinances provincial or synodal, (6) upon pain of every one of the said clergy doing contrary to this act, and being thereof convict, to suffer imprisonment, and make fine at the King's will.

The King
may assign 32
persons to ex-
amine the
canons, and
to continue
such as they
think worthy,
and to a-
bridge the re-
sidue.

E X P.

35 H. 8. c. 16.

3 & 4 Ed. 6.

c. 11.

3 Inst. 39.

Hob. 143.

13 Co. 47.

2 Roll. 481.

2 Lev. 222.

II. *And forasmuch as such canons, constitutions and ordinances, as heretofore have been made by the clergy of this realm, cannot now at the session of this present parliament, by reason of shortness of time, be viewed, examined and determined by the King's highness, and thirty-two persons to be chosen and appointed according to the petition of the said clergy in form above rehearsed:* be it therefore enacted by authority aforesaid, That the King's highness shall have power and authority to nominate and assign, at his pleasure, the said two and thirty persons of his subjects, whereof sixteen to be of the clergy, and sixteen to be of the temporality of the upper and nether house of the parliament; and if any of the said two and thirty persons so chosen shall happen to die before their full determination, then his Highness to nominate other from time to time of the said two houses of the parliament, to supply the number of the said two and thirty; (2) and that the same two and thirty, by his highness so to be named, shall have power and authority to view, search and examine the said canons, constitutions and ordinances provincial and synodal heretofore made, and such of them as the King's highness and the said two and thirty, or the more part of them, shall deem and adjudge worthy to be continued, kept and obeyed, shall be from thenceforth kept, obeyed and executed within this realm, so that the King's most royal assent under his great seal be first had to the same; (3) and the residue of the said canons, constitutions and ordinances provincial, which the King's highness, and the said two and thirty persons or the more part of them, shall not approve, or deem and judge worthy to be abolite, abrogate and made frustrate, shall from thenceforth be void and of none effect, and never be put in execution within this realm. (4) *Provided alway, That no canons, constitutions or ordinances shall be made or put in execution within this realm by authority of the convocation of the clergy, which shall be contrariant or repugnant to the King's prerogative royal, or the customs, laws or statutes of this realm; any thing contained in this act to the contrary hereof notwithstanding.*

No canons
shall be exe-
cuted which
be contrary
to the King's
prerogative,
or to the
laws.

3 Inst. 178.

There shall be
no appeals to
Rome, but
appeals shall
be according
to the statute
made 24 H. 8.
c. 12.

III. And be it further enacted by authority aforesaid, That from the feast of *Easter*, which shall be in the year of our Lord God 1534, no manner of appeals shall be had, provoked, or made out of this realm, or out of any the King's dominions, to the bishop of *Rome*, nor to the see of *Rome*, in any causes or matters happening to be in contention, and having their commencement and beginning in any of the courts within this realm,

or

or within any the King's dominions, of what nature, condition or quality foever they be of; but that all manner of appeals, of what nature or condition foever they be of, or what cause or matter foever they concern, shall be made and had by the parties grieved, or having cause of appeal, after such manner, form and condition, as is limited for appeals to be had and prosecuted within this realm in causes of matrimony, tythes, oblations and obventions, by a statute thereof made and established sithen the beginning of this present parliament, and according to the form and effect of the said estatute; any usage, custom, prescription, or any thing or things to the contrary hereof notwithstanding.

IV. And for lack of justice at or in any the courts of the archbishops of this realm, or in any the King's dominions, it shall be lawful to the parties grieved to appeal to the King's majesty in the King's court of chancery; (2) and that upon every such appeal, a commission shall be directed under the great seal to such persons as shall be named by the King's highness, his heirs or successors, like as in case of appeal from the admiral's court, to hear and definitively determine such appeals, and the causes concerning the same. (3) Which commissioners, so by the King's highness, his heirs or successors, to be named or appointed, shall have full power and authority to hear and definitively determine every such appeal, with the causes and all circumstances concerning the same; and that such judgment and sentence, as the said commissioners shall make and decree, in and upon any such appeal, shall be good and effectual, and also definitive; and no further appeals to be had or made from the said commissioners for the same.

Appeals from the archbishop's court into the chancery.
4 Mod. 117.
Dyer, 209.

V. And if any person or persons, at any time after the said feast of *Easter*, provoke or sue any manner of appeals, of what nature or condition foever they be of, to the said bishop of *Rome*, or to the see of *Rome*, or do procure or execute any manner of process from the see of *Rome*, or by authority thereof, to the derogation or let of the due execution of this act, or contrary to the same, that then every such person or persons so doing, their aiders, counsellors and abbettors, shall incur and run into the dangers, pains and penalties contained and limited in the act of provision and *Præmunire* made in the sixteenth year of the King's most noble progenitor, King *Richard* the Second, against such as sue to the court of *Rome* against the King's crown and prerogative royal.

Præmunire for suing of appeal to Rome, or executing any process from thence.
16 R. 2. c. 5.

VI. Provided always, That all manner of provocations and appeals hereafter to be had, made or taken from the jurisdiction of any abbots, priors, or other heads and governors of monasteries, abbeys, priories and other houses and places exempt, in such cases as they were wont or might afore the making of this act, by reason of grants or liberties of such places exempt, to have or make immediately any appeal or provocation to the bishop of *Rome*, otherwise called Pope, or to the see of *Rome*, that in all these cases every person and persons, having cause of appeal or provocation, shall and may take and make their appeals

Appeals from places exempt, which were to the see of Rome, shall now be into the chancery.

peals and provocations immediately to the King's majeſty of this realm, into the court of chancery, in like manner and form as they uſed afore to do to the ſee of Rome; (2) which appeals and provocations ſo made, ſhall be definitively determined by authority of the King's commiſſion, in ſuch manner and form as in this act is abovementioned; (3) ſo that no archbiſhop or biſhop of this realm ſhall intermit or meddle with any ſuch appeals, otherwiſe or in any other manner than they might have done afore the making of this act; any thing in this act to the contrary thereof notwithstanding.

What canons,
&c. are ſtill in
force.

27 H. 8. c. 20.

37 H. 8. c. 17.

f. 2.

Repealed by
1 & 2 Ph. & M.
c. 8. and re-
vived by 1 El.
c. 1. f. 10.

VII. Provided alſo, That ſuch canons, conſtitutions, ordinances and ſynodals provincial being already made, which be not contrariant or repugnant to the laws, ſtatutes and cuſtoms of this realm, nor to the damage or hurt of the King's prerogative royal, ſhall now ſtill be uſed and executed as they were afore the making of this act, till ſuch time as they be viewed, ſearched, or otherwiſe ordered and determined by the ſaid two and thirty perſons, or the more part of them, according to the tenor, form and effect of this preſent act.

CAP. XX.

An act for the non-payment of firſt-fruits to the biſhop of Rome.

No firſt-fruits
ſhall be paid
to the biſhop
of Rome; and
within what
time a biſhop
ſhall be choſen,
inveſted and
conſecrated.
Vide ſtat. 23
H. 8. c. 10.
not in the
printed ſtat-
utes before.
Vid. Codex
Tit. 5. c. 1.

WHERE ſuſten the beginning of this preſent parliament, for repreſs of the exaction of annates and firſt-fruits of archbiſhopricks and biſhopricks of this realm wrongfully taken by the biſhop of Rome, otherwiſe called the pope, and the ſee of Rome, it is ordained and eſta bliſhed by an act, among other things, That the payments of the annates or firſt-fruits, and all manner contributions for the ſame, for any ſuch archbiſhoprick or biſhoprick, or for any bulls to be obtained from the ſee of Rome, to or for the ſaid purpoſe or intent, ſhould utterly ceaſe, and no ſuch to be paid for any archbiſhoprick or biſhoprick within this realm, otherwiſe than in the ſame act is expreſſed: (2) and that no manner of perſon or perſons to be named, elected, preſented or poſtulated to any archbiſhoprick or biſhoprick within this realm, ſhould pay the ſaid annates or firſt-fruits, nor any other manner of ſum or ſums of money, penſions or annuities for the ſame, or for any other like exaction or cauſe, (3) upon pain to forfeit to our ſovereign lord the King, his heirs and ſucceſſors, all manner his goods and chattels for ever, and all the temporal lands and poſſeſſions of the ſaid archbiſhoprick or biſhoprick during the time that he or they that ſhould offend contrary to the ſaid act, ſhould have, poſſeſs and enjoy the ſaid archbiſhoprick or biſhoprick. (4) And it is further enacted, That if any perſon named or preſented to the ſee of Rome by the King's highneſs, or his heirs or ſucceſſors, to be biſhop of any ſee or dioceſe within this realm, ſhould happen to be letted, delayed or deferred at the ſee of Rome from any ſuch biſhoprick whereunto he ſhould be ſo preſented, by mean of reſtraint of bulls of the ſaid biſhop of Rome, otherwiſe called the Pope, and other things requiſite to the ſame, or ſhould be denied at the ſee of Rome, upon convenient ſuit made, for any bulls requiſite for any ſuch cauſe, that then every perſon

If any preſent-
ed by the King
to the ſee of
Rome to a
biſhoprick in
England be
there delayed,
he may be
conſecrated
by an arch-
biſhop in
England.

son fo presented might or should be consecrated here in England by the archbifhop in whose province the said bifhoprick fhall be; fo alwayes, that the same person should be named and presented by the King for the time being to the said archbifhop. (5) And if any person being named and presented (as is before said) to any archbifhoprick of this realm, making convenient fuit, as is aforefaid, should happen to be letted, delayed, deferred or otherwise disturbed from the said archbifhoprick, for lack of pall, bulls, or other things to him requisite to be obtained at the fee of Rome, that then every such person fo named and presented to the archbifhop, might and should be consecrated and invested, after presentation made as is aforefaid, by any other two bifhops within this realm, whom the King's highnefs, or any his heirs or fucceffors, Kings of England, would appoint and assign for the same, according and after like manner as divers archbifhops and bifhops have been heretofore in ancient time by sundry the King's most noble progenitors made, consecrated and invested within this realm. (6) And it is further enacted by the said a^ct, That every archbifhop and bifhop, being named and presented by the King's highnefs, his heirs and fucceffors, Kings of England, and being consecrated and invested, as is aforefaid, should be installed accordingly, and should be accepted, taken and reputed, used and obeyed as an archbifhop or bifhop of the dignity, fee or place whereunto he fhall be fo named, presented and consecrated, and as other like prelates of that province, fee or diocese, have been used, accepted, taken and obeyed, which have had and obtained compleatly their bulls and other things requisite in that behalf from the fee of Rome, (7) and also should fully and entirely have and enjoy all the spiritualities and temporalities of the said archbifhoprick or bifhoprick, in as large, ample and beneficial manner, as any of his or their predecessors had or enjoyed in the said archbifhoprick or bifhoprick, fatisfying and yielding unto the King's highnefs, and to his heirs and fucceffors, all such duties, rights and invests as before-time hath been accustomed to be paid for any such archbifhoprick or bifhoprick, according to the ancient laws and customs of this realm and the King's prerogative royal, as in the said a^ct amongst other things is more at large mentioned.

One presented to, the fee of Rome to an archbifhoprick, and there letted, may be consecrated by two bifhops of England.

II. And albeits the said bifhop of Rome, otherwise called the Pope, hath been informed and certified of the effectual contents of the said a^ct, to the intent that by some gentle ways the said exactions might have been redressed and reformed, yet nevertheless the said bifhop of Rome hitherto hath made none answer of his mind therein to the King's highnefs, nor devised nor required any reasonable ways to and with our said sovereign lord for the same: (2) wherefore his most royal majesty of his most excellent goodness, for the wealth and profit of this his realm and subjects of the same, hath not only put his most gracious and royal assent to the forefaid a^ct, but also hath ratified and confirmed the same, and every clause and article therein contained, as by his letters patents under his great seal inrolled in the parliament roll of this present parliament more at large is contained.

The King's consent to the forefaid statute.

III.

No man shall be presented to the see of Rome for the dignity of an archbishop or bishop, nor annates or first-fruits shall be paid to the same see.

III. *And forasmuch as in the said act it is not plainly and certainly expressed in what manner and fashion archbishops and bishops shall be elected, presented, invested and consecrated within this realm, and in all other the King's dominions,* (2) be it now therefore enacted by the King our sovereign lord, by the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That the said act and every thing therein contained shall be and stand in strength, virtue and effect; except only, that no person or persons hereafter shall be presented, nominated or commended to the said bishop of *Rome*, otherwise called the Pope, or to the see of *Rome*, to or for the dignity or office of any archbishop or bishop within this realm, or in any other the King's dominions, nor shall send nor procure there for any manner of bulls, breeves, palls or other things requisite for an archbishop or bishop, nor shall pay any sums of money for annates, first-fruits nor otherwise, for expedition of any such bulls, breeves, or palls; but that by the authority of this act, such presenting, nominating or commending to the said bishop of *Rome*, or to the see of *Rome*, and such bulls, breeves, palls, annates, first-fruits, and every other sums of money heretofore limited, accustomed or used to be paid at the said see of *Rome*, for procuracion or expedition of any such bulls, breeves or palls, or other thing concerning the same, shall utterly cease and no longer be used within this realm, or within any the King's dominions; any thing contained in the said act aforementioned, or any use, custom or prescription to the contrary thereof notwithstanding.

The manner of electing an archbishop or bishop.

IV. And furthermore be it ordained and established by the authority aforesaid, That at every avoidance of every archbishoprick or bishoprick within this realm, or in any other the King's dominions, the King our sovereign lord, his heirs and successors, may grant to the prior and convent, or the dean and chapter of the cathedral churches or monasteries where the see of such archbishoprick or bishoprick shall happen to be void, a licence under the great seal, as of old time hath been accustomed, to proceed to election of an archbishop or bishop of the see so being void, with a letter missive, containing the name of the person which they shall elect and choose: (2) by virtue of which licence the said dean and chapter, or prior or convent, to whom any such licence and letters missive shall be directed, shall with all speed and celerity in due form elect and choose the same person named in the said letters missive, to the dignity and office of the archbishoprick or bishoprick so being void, and none other. (3) And if they do defer or delay their election above twelve days next after such licence or letters missive to them delivered, that then for every such default the King's highness, his heirs and successors, at their liberty and pleasure shall nominate and present, by their letters patents under their great seal, such a person to the said office and dignity so being void, as they shall think able and convenient for the same; (4) and that every such nomination and presentment to be

For default of election by the dean and chapter, the King shall nominate a bishop by his letters patents.

be made by the King's highnefs, his heirs and fucceffors, if it be to the office and dignity of a bifhop, fhall be made to the archbifhop and metropolitan of the province where the fee of the fame bifhoprick is void, if the fee of the faid archbifhoprick be then full, and not void; and if it be void, then to be made to fuch archbifhop or metropolitan within this realm, or in any the King's dominions, as fhall pleafe the King's highnefs, his heirs or fucceffors: (5) and if any fuch nomination or prefentment fhall happen to be made for default of fuch election to the dignity or office of any archbifhop, then the King's highnefs, his heirs and fucceffors by his letters patents under his great feal, fhall nominate and prefent fuch perfon as they will difpofe to have the faid office and dignity of archbifhoprick being void, to one fuch archbifhop and two fuch bifhops, or elfe to four fuch bifhops within this realm, or in any of the King's dominions, as fhall be affigned by our faid fovereign lord, his heirs or fucceffors.

V. And be it enacted by the authority aforefaid, That when-
foever any fuch prefentment or nomination fhall be made by
the King's highnefs, his heirs or fucceffors, by virtue and au-
thority of this act, and according to the tenor of the fame; that
then every archbifhop and bifhop, to whole hands any fuch
prefentment and nomination fhall be directed, fhall with all fpeed
and celerity inveft and confecrate the perfon nominate and pre-
fented by the King's highnefs, his heirs or fucceffors, to the
office and dignity that fuch perfon fhall be fo prefented unto, and
give and ufe to him pall, and all other benedictions, ceremonies
and things requifite for the fame, without fuing, procuring or
obtaining hereafter any bulls or other things at the fee of *Rome*,
for any fuch office or dignity in any behalf. (2) And if the
faid dean and chapter, or prior and convent, after fuch licence
and letters miffive to them directed, within the faid twelve days
do elect and choofe the faid perfon mentioned in the faid letters
miffive, according to the request of the King's highnefs, his
heirs or fucceffors, thereof to be made by the faid letters
miffive in that behalf, then their election fhall ftand good and
effectual to all intents; (3) and that the perfon fo elected, after
certification made of the fame election under the common and
covent feal of the electors, to the King's highnefs, his heirs or
fucceffors, fhall be reputed and taken by the name of lord
elected of the faid dignity and office that he fhall be elected unto;
(4) and then making fuch oath and fealty only to the King's
majefty, his heirs and fucceffors, as fhall be appointed for the
fame, the King's highnefs, by his letters patents under his
great feal, fhall fignify the faid election, if it be to the dignity
of a bifhop, to the archbifhop and metropolitan of the province
where the fee of the faid bifhoprick was void, if the fee of
the faid archbifhop be full and not void; and if it be void,
then to any other archbifhop within this realm, or in any other
the King's dominions; requiring and commanding fuch arch-
bifhop, to whom any fuch fignification fhall be made, to con-
firm the faid election, and to inveft and confecrate the faid per-
fon

Consecration
of a bifhop.

The name of
a bifhop newly
chofen, viz. a
lord elect.

The King's
fignification
of a bifhop or
archbifhop
elect.

ſon ſo elected to the office and dignity that he is elected unto, and to give and uſe to him all ſuch benedictions, ceremonies, and other things requiſite for the ſame, without any ſuing, procuring or obtaining any bulls, letters or other things from the ſee of *Rome* for the ſame in any behalf. (5) And if the perſon be elected to the office and dignity of an archbiſhop, according to the tenor of this act, then after ſuch election certified to the King's highneſs in form aforeſaid, the ſame perſon ſo elected to the office and dignity of an archbiſhop, ſhall be reputed and taken lord elect to the ſaid office and dignity of an archbiſhop, whereunto he ſhall be ſo elected; (6) and then after he hath made ſuch oath and ſealty only to the King's majeſty, his heirs and ſucceſſors, as ſhall be limited for the ſame, the King's highneſs, by his letters patents under his great ſeal, ſhall ſignify the ſaid election to one archbiſhop and two other biſhops, or elſe to four biſhops within this realm, or within any other the King's dominions, to be aſſigned by the King's highneſs, his heirs or ſucceſſors, requiring and commanding the ſaid archbiſhop and biſhops, with all ſpeed and celerity, to confirm the ſaid election, and to inveſt and conſecrate the ſaid perſon ſo elected to the office and dignity that he is elected unto, and to give and uſe to him ſuch pall, benedictions, ceremonies and all other things requiſite for the ſame, without ſuing, procuring or obtaining any bulls, briefs or other things at the ſaid ſee of *Rome*, or by the authority thereof in any behalf.

This election
of a biſhop
ſhall be lawful.

VI. And be it further enacted by authority aforeſaid, That every perſon and perſons being hereafter choſen, elected, nominate, preſented, inveſted and conſecrated to the dignity or office of any archbiſhop or biſhop within this realm, or within any other the King's dominions, according to the form, tenor and effect of this preſent act, and ſuing their temporalities out of the King's hands, his heirs or ſucceſſors, as hath been accuſtomed, and making a corporal oath to the King's highneſs, and to none other, in form as is afore rehearſed, ſhall and may from henceforth be throniſed or inſtalled, as the caſe ſhall require, (2) and ſhall have and take their only reſtitution out of the King's hands, of all the poſſeſſions and profits ſpiritual and temporal, belonging to the ſaid archbiſhoprick or biſhoprick whereunto they ſhall be ſo elected or preſented, and ſhall be obeyed in all manner of things, according to the name, title, degree, and dignity that they ſhall be ſo choſen or preſented unto, and do and execute in every thing and things touching the ſame, as any archbiſhop or biſhop of this realm, without offending the prerogative royal of the crown and the laws and cuſtoms of this realm, might at any time heretofore do.

The penalty
for not elect-
ing or not con-
ſecrating a
biſhop named.

VII. And be it further enacted by the authority aforeſaid, That if the prior and covent of any monaſtery, or dean and chapter of any cathedral church, where the ſee of an archbiſhop or biſhop is within any the King's dominions, after ſuch licence as is afore rehearſed, ſhall be delivered to them, proceed

ceed not to election, and ſignify the ſame according to the tenor of this act, within the ſpace of twenty days next after ſuch licence ſhall come to their hands; (2) or elſe if any archbiſhop or biſhop, within any the King's dominions, after any ſuch election, nomination or preſentation ſhall be ſignified unto them by the King's letters patents, ſhall reſuſe, and do not confirm, inveſt and conſecrate with all due circumſtance as is aforeſaid, every ſuch perſon as ſhall be ſo elected, nominate or preſented, and to them ſignified as is abovementioned, within twenty days next after the King's letters patents of ſuch ſignification or preſentation ſhall come to their hands; (3) or elſe if any of them, or any other perſon or perſons, admit, maintain, allow, obey, do or execute any cenſures, excommunications, interdictions, inhibitions, or any other proceſs or act, of what nature, name or quality ſoever it be, to the contrary, or let of due execution of this act; (4) that then every prior and particular perſon of his convent, and every dean and particular perſon of the chapter, and every archbiſhop and biſhop, and all other perſons, ſo offending and doing contrary to this act, or any part thereof, and their aiders, counſellers and abettors, ſhall run into the dangers, pains and penalties of the eſtate of the proviſion and *præmunire*, made in the five and twentieth year of the reign of King Edward the Third, and in the ſixteenth year of King Richard the Second.

25 Ed. 3. ſtat.
5. c. 22.
16 R. 2. c. 5.
26 H. 8. c. 14.
31 H. 8. c. 9.
8 El. c. 1.
Rep. 1 & 2 Ph.
& M. c. 8. and
revived by 1
El. c. 1.

CAP. XXI.

The act concerning Peter-pence and diſpenſations.

MOST humbly beſeeching your moſt royal Maſteſty, your obedient and faithful ſubjects, the commons of this your preſent parliament aſſembled, by your moſt dread commandment, That where your ſubjects of this your realm, and of other countries and dominions, being under your obeſſance, by many years paſt have been, and yet be greatly decayed and impoveriſhed, by ſuch intolerable exactions of great ſums of money as have been claimed and taken, and yet continually be claimed to be taken out of this your realm, and other your ſaid countries and dominions, by the biſhop of Rome, called the Pope, and the ſee of Rome, as well in penſions, cenſes, peter-pence, procurations, fruits, ſuits for proviſions, and expeditions of bulls for archbiſhopricks and biſhopricks, and for delegacies, and reſcripts in cauſes of contentions and appeals, juridiſdictions legantine, and alſo for diſpenſations, licences, faculties, grants, relaxations, writs called *perinde valere*, rehabilitations, abolitions, and other infinite ſorts of bulls, breeves, and instruments of ſundry natures, names and kinds, in great numbers heretofore practiſed and obtained otherwiſe than by the laws, laudable uſes, and cuſtoms of this realm ſhould be permitted, the ſpecialties whereof been over long, large in number, and tedious here particularly to be inſerted; (2) wherein the biſhop of Rome aforeſaid hath not been only to be blamed for his uſurpation in the premiſſes, but alſo for his abuſing and beguiling your ſubjects, pretending and perſuading them that he hath power to diſpenſe with all human laws, uſes and cuſtoms of all realms, in all cauſes which be called

Hob. 146.
1 Roll. 468,
469, 471.

Sums of money which have been paid for ſeveral cauſes to the biſhop and ſee of Rome diſcontinued.

This realm is free from any laws of man, but such as have been devised within the same.

The power of the King and parliament to dispense with, alter or annul the human laws of this realm.

spiritual, which matter hath been usurped and practised by him and his predecessors for many years, in great derogation of your imperial crown and authority royal, contrary to right and conscience; (3) for where this your Grace's realm recognising no superior under God, but only your Grace, hath been and is free from subjection to any man's laws, but only to such as have been devised, made and obtained within this realm, for the wealth of the same, or to such other as by sufferance of your Grace and your progenitors, the people of this your realm have taken at their free liberty, by their own consent to be used amongst them, and have bound themselves by long use and custom to the observance of the same, not as to the observance of laws of any foreign prince, potentate or prelate, but as to the customed and ancient laws of this realm, originally established as laws of the same, by the said sufferance, consents and custom, and none otherwise: (4) it standeth therefore with natural equity and good reason, that in all and every such laws human made within this realm, or induced into this realm by the said sufferance, consents and custom, your royal Majesty, and your lords spiritual and temporal, and commons, representing the whole state of your realm, in this your most high court of parliament, have full power and authority, not only to dispense, but also to authorize some elect person or persons to dispense with those, and all other human laws of this your realm, and with every one of them, as the quality of the persons and matter shall require; (5) and also the said laws, and every of them, to abrogate, annul, amplify or diminish, as it shall be seen unto your Majesty, and the nobles and commons of your realm present in your parliament, meet and convenient for the wealth of your realm, as by divers good and wholesome acts of parliaments, made and established as well in your time, as in the time of your most noble progenitors, it may plainly and evidently appear; (6) and because that it is now in these days present seen, that the state, dignity, superiority, reputation and authority of the said imperial crown of this realm, by the long sufferance of the said unreasonable and uncharitable usurpations and exactions practised in the times of your most noble progenitors, is much and sore decayed and diminished, and the people of this realm thereby impoverished, and so or worse be like to continue, if remedy be not therefore shortly provided:

II. It may therefore please your most noble Majesty, for the honour of Almighty God, and for the tender love, zeal and affection that ye bear, and always have borne to the wealth of this your realm and subjects of the same, forasmuch as your Majesty is supreme head of the church of *England*, as the prelates and clergy of your realm, representing the said church, in their synods and convocations have recognized, in whom consisteth full power and authority, upon all such laws as have been made and used within this realm, to ordain and enact, by the assent of your lords spiritual and temporal, and the commons in this your present parliament assembled, and by authority of the same, That no person or persons of this your realm, or of any other your dominions, shall from henceforth pay any pensions, censures, portions, Peter-pence or any other impositions; to the use of the said bishop, or the see of *Rome*, like as heretofore they have used, by usurpation of the said bishop of *Rome*

No impositions shall be paid to the bishop or see of *Rome*.

and his predeceſſors, and ſufferance of your Highneſs, and your moſt noble progenitors, to do; (2) but that all ſuch penſions, cenſes, portions and Peter-pence, which the ſaid-biſhop of *Rome*, otherwiſe called the Pope, hath heretofore taken and perceived, or cauſed to be taken and perceived to his uſe, and his chambers, which he calleth apoſtolick, by uſurpation and ſufferance, as is aboveſaid, within this your realm, or any other your dominions, ſhall from henceforth clearly ſurceſe, and never more be levied, taken, perceived nor paid to any perſon or perſons in any manner of wiſe; any conſtitution, uſe, preſcription or cuſtom to the contrary thereof notwithstanding.

III. And be it further enacted by the authority aforeſaid, That neither your Highneſs, your heirs nor ſucceſſors, Kings of this realm, nor any your ſubjects of this realm, nor of any other your dominions, ſhall from henceforth ſue to the ſaid biſhop of *Rome*, called the Pope, or to the ſee of *Rome*, or to any perſon or perſons having or pretending any authority by the ſame, for licences, diſpenſations, compositions, faculties, grants, reſcripts, delegacies, or any other inſtruments or writings, of what kind, name, nature, or quality ſoever they be of, for any cauſe or matter, for the which any licence, diſpenſation, composition, faculty, grant, reſcript, delegacy, inſtrument, or other writing, heretofore hath been uſed and accuſtomed to be had and obtained at the ſee of *Rome*, or by authority thereof, or of any prelates of this realm; (2) nor for any manner of other licences, diſpenſations, compositions, faculties, grants, reſcripts, delegacies, or any other inſtruments or writings that in cauſes of neceſſity may be lawfully granted without offending of the holy ſcriptures and laws of God; (3) but that from henceforth every ſuch licence, diſpenſation, composition, faculty, grant, reſcript, delegacy, inſtrument and other writing afore named and mentioned, neceſſary for your Highneſs, your heirs and ſucceſſors, and your and their people and ſubjects, upon the due examinations of the cauſes and qualities of the perſons procuring ſuch diſpenſations, licences, compositions, faculties, grants, reſcripts, delegacies, inſtruments or other writings, ſhall be granted, had or obtained, from time to time, within this your realm, and other dominions, and not elſewhere, (4) in manner and form following, and none otherwiſe; that is to ſay, the archbiſhop of *Canterbury* for the time being, and his ſucceſſors, ſhall have power and authority, from time to time, by their diſcretions, to give, grant and diſpoſe, by an inſtrument under the ſeal of the ſaid archbiſhop, unto your Maſteſty, and to your heirs and ſucceſſors, Kings of this realm, as well all manner ſuch licences, diſpenſations, compositions, faculties, grants, reſcripts, delegacies, inſtruments and all other writings, for cauſes not being contrary or repugnant to the holy ſcriptures and laws of God, as heretofore hath been uſed and accuſtomed to be had and obtained by your Highneſs, or any your moſt noble progenitors, or any of your or their ſubjects, at the ſee of *Rome*, or any perſon or perſons by au-
No perſon ſhall ſue for any diſpenſation or licence to the biſhop of Rome.
 1 Roll. 460.
 Co. pl. f. 204.
 Moor 434. pl. 609.
 Goldesb. 192.
 The arch-biſhop of Canterbury may grant diſpenſations to the King.
 Vaughan 18, 19, 20, 27.
 Mod. caſes in law 364.

thority of the fame; (5) and all other licences, difpenfations, faculties, compositions, grants, refcripts, delegacies, instruments, and other writings, in, for and upon all fuch caufes and matters as fhall be convenient and neceffary to be had, for the honour and furety of your Highnefs, your heirs and fucceffors, and the wealth and profit of this your realm; (6) fo that the faid archbifhop or any of his fucceffors, in no manner wife fhall grant any difpenfation, licence, refcript; or any other writing afore rehearfed, for any caufe or matter repugnant to the law of Almighty God.

The archbifhop of Canterbury may grant licences of things unwonted to be licensed.

Co. pl. f. 51a.
Hob. 147, 156
& 159.

Difpenfations to caufes unwonted to be licensed fhall not be granted without the approbation of the King or his council.

Licence of things whereof the tax extends to 4l. fhall be confirmed by the King's great feal.

Cro. Eliz. 540.

IV. Be it alfo enacted by authority aforefaid, That the faid archbifhop and his fucceffors, after good and due examination, by them had, of the caufes and qualities of the perfons procuring for licences, difpenfations, compositions, faculties, delegacies, refcripts, instruments or other writings, fhall have full power and authority by themfelves, or by their fufficient and fubftantial commiffary or deputy, by their difcretions, from time to time, to grant and difpofe, by an instrument under the name and feal of the faid archbifhop, as well to any of your fubjects, as to the fubjects of your heirs and fucceffors, all manner licences, difpenfations, faculties, compositions, delegacies, refcripts, instruments, or other writings, for any fuch caufe or matter, whereof heretofore fuch licences, difpenfations, compositions, faculties, delegacies, refcripts, instruments or writings, have been accuftomed to be had at the fee of *Rome*, or by the authority thereof, or of any prelate of this realm.

V. And that the faid archbifhop and his commiffary, fhall not grant any other licence, difpenfation, composition, faculty, writing, or instrument, in cafes unwont, and not accuftomed to be had or obtained at the court of *Rome*, nor by authority thereof, nor by any prelate of this realm, until your Grace, your heirs and fucceffors, or your or their council fhall firft be advertifed thereof, and determine whether fuch licences, difpenfations, compositions, faculties, or other writings in fuch cafes unwont and not accuftomed to be difpenfed withal, or obtained, fhall commonly pafs as other difpenfations, faculties, or other writings, fhall or no, (2) upon pain that the grantors of every fuch licence, difpenfation, or writing, in fuch cafes unwont, contrary to this act, fhall make fine at the will and pleafure of your Grace, your heirs and fucceffors; (3) and if it be thought and determined by your Grace, your heirs or fucceffors, or your or their council, that difpenfations, faculties, licences, or other writings, in any fuch caufe unwont, fhall pafs, then the faid archbifhop or his commiffary, having licence of your Highnefs, your heirs or fucceffors for the fame, by your or their bill affigned, fhall difpenfe with them accordingly.

VI. Provided always, That no manner of difpenfations, licences, faculties, or other refcripts or writings hereafter to be granted to any perfon or perfons, by virtue or authority of this act, by the faid archbifhop or his commiffary being of fuch importance, that the tax of the expedition thereof at *Rome* extended to the fum of four pounds or above, fhall in any wife be

put

put in execution, till the same licence, dispensation, faculty, rescript, or other writing, of what name or nature soever it be of, be first confirmed by your Highness, your heirs or successors, Kings of this realm, under the great seal, and enrolled in your chancery in a roll, by a clerk to be appointed for the same; (2) and that this act shall be a sufficient warrant to the chancellor of *England* for the time being, or to him whom your Grace, your heirs or successors, shall depute to be keeper of the great seal, to confirm in your name, your heirs or successors, the foresaid writings, passed under the said archbishop's seal, by letters patents, in due form thereof to be made under your great seal, remitting as well the said writing under the archbishop's seal, as the said confirmation under the great seal, to the parties from time to time procuring for the same; (3) and that all such licences, dispensations, faculties, and other rescripts and writings, for the expedition of the which the said taxes to be paid at *Rome*, was under iv. li. which be matters of no great importance, shall pass only by the archbishop's seal, and shall not of any necessity be confirmed by the great seal, unless the procurers of such licence, faculty or dispensation, desire to have them so confirmed; (4) in which case they shall pay for the said great seal, to the use of your Highness, your heirs and successors, v. s: sterling, and not above, over and besides such taxes as shall be hereafter limited for the making, writing, registering, confirming and inrolling of such licences, confirmations, and writings under the said tax of iv. li.

What dispensations may be granted by the archbishop without the King's confirmation.

VII. And that every such licence, dispensation, composition, faculty, rescript and writing, of what name or nature soever it be, for such causes as the tax was wont to be iv. li. or above, so granted by the archbishop, and confirmed under the great seal, and all other licences, dispensations, faculties, rescripts, and writings hereafter to be granted by the archbishop by virtue and authority of this act, whereunto the great seal is not limited of necessity to be put to, by reason that the tax of them is under iv. li. shall be accepted, approved, allowed, and admitted good and effectual in the law, in all places, courts and jurisdictions, as well spiritual as temporal, within this realm, and elsewhere within your dominions, and as beneficial to the persons obtaining the same, as they should have been if they had been obtained, with all things requisite, of the see of *Rome*, or of any other person by authority thereof, without any revocation or repeal hereafter to be had of any such licences, dispensations, faculties, rescripts or writings, of what nature soever they be.

All acts done by virtue of any of the aforesaid licences shall be good and of force in law.

VIII. And that all children procreated after solemnization of any marriages to be had or done by virtue of such licences or dispensations, shall be admitted, reputed, and taken legitimate in all courts, as well spiritual as temporal, and in all other places, and inherit the inheritance of their parents and ancestors within this your realm, and all other your dominions, according to the laws and customs of the same; (2) and all acts

Licences to marry, and children born after the same marriages. 25 H. 8. c. 22. f. 4. Hob. 248.

to be done, had or executed according to the tenor of such licences, dispensations, faculties, writings, or other instruments, to be made or granted by authority of this act, shall be firm, permanent, and remain in force; any foreign laws, constitutions, decrees, canons, decretals, inhibitions, use, custom, prescription, or any other thing had, or hereafter to be made to the contrary notwithstanding.

A clerk to register dispensations appointed by the archbishop.

A clerk assigned by the King to write confirmations.

IX. And be it further enacted, That the said archbishop and his successors, shall have power and authority to ordain, make, and constitute a clerk, which shall write and register every such licence, dispensation, faculty, writing, or other instrument to be granted by the said archbishop, and shall find parchment, wax, and silken laces convenient for the same, and shall take for his pains such sums of money as shall be hereafter in this present act to him limited in that behalf for the same; (2) and that likewise your Grace, your heirs and successors, shall by your letters patents, under your great seal, ordain, depute and constitute one sufficient clerk, being learned in the course of the chancery, which shall always be attendant upon the lord chancellor, or the lord keeper of the great seal, for the time being, and shall make, write and inroll the confirmations of all such licences, dispensations, instruments or other writing as shall be thither brought under the archbishop's seal, there to be confirmed and enrolled; and shall also intitle in his books, and inroll of record, such other writings as shall thither be brought under the archbishop's seal, not to be confirmed, taking for his pains such reasonable sums of money as hereafter by this act to him shall be limited for the same; (3) and that as well the said clerk appointed by the said archbishop, as the said clerk to be appointed by your Highness, your heirs or successors, shall subscribe their names to every such licence, dispensation, faculty, or other writing that shall come to their hands to be written made, granted, sealed, confirmed, registered, and inrolled by authority of this act, in form as is before rehearsed.

The charges qualified which had wont to be spent in obtaining dispensations and licences from Rome.

X. And forasmuch as the charges of obtaining the said licences, dispensations, faculties, and other rescripts or writings aforementioned, at the court of Rome, by the losses and exchanges, and in conducting of currors, and waging solicitors to sue for any such licences, dispensations, faculties, instruments, and other rescripts or writings, have been grievous and excessive to your people, and many times greater sums have been demanded for the speedy expedition in the court of Rome, than be expressed in the old tax limited to be paid for the said expeditions, whereby your people hath been brought to an uncertainty upon the payment for expeditions of such things, and by reason thereof have been constrained to pay more than they were wont to do, to the great impoverishing of this realm, as is aforesaid: (2) and sometimes the speeding of such dispensations, faculties, licences and other writings at Rome hath been so long deferred, that the parties labouring for the same have suffered great inconveniences and loss for lack of quick speed, which hereafter may be had within this your realm, to the great

great commodity of your people, whereby the charges of making exchanges, conducting of currors and solicitors, for the said dispensations, shall be abated, and your people so much relieved and eased; to the intent that all ambiguity, and uncertainty of payments for dispensations, faculties, licences, and other rescripts and writings, may be taken away, that no fraud or exaction shall be exercised upon your people, by such officers as shall be appointed by this act, to take pains in speeding such dispensations, faculties and licences, but that your people may be sure and certain what they be appointed to pay for the same :

XI. Be it enacted by this present parliament, and by the authority of the same, That there shall be two books drawn and made of one tenor, in which shall be contained the taxes of all customable dispensations, faculties, licences and other writings wont to be sped at *Rome*, which books, and every leaf of those books, and both sides of every leaf, shall be subscribed by the archbishop of *Canterbury*, the lord chancellor of *England*, the lord treasurer of *England*, and the two chief justices of both benches for the time being; to the which books all suitors for dispensations, faculties, licences, and other writings afore rehearsed, shall have recourse if they require it; (2) and one of the said books shall remain in the hands of him which shall be appointed to be register and scribe of the said dispensations, faculties and licences, under the said archbishop of *Canterbury*, in form as is before said; (3) and the other book shall remain with the clerk of the chancery, which by your Grace, your heirs or successors shall be appointed, as is before rehearsed; (4) which clerk of the chancery shall also intitle, and note particularly and daily, in his book ordained for that purpose, the number and qualities of the dispensations, faculties, licences, and other rescripts and writings, which shall be sealed only with the seal of the said archbishop, and also which shall be sealed with the said seal, and confirmed with the great seal, in form as is before said, that all fraud and concealment in this behalf may be avoided.

Two books shall be made wherein the taxes of dispensations shall be written.

XII. And be it enacted by this present parliament, and by the authority of the same, That no man suing for dispensations, faculties, licences, or other rescripts or writings, which were wont to be sped at *Rome*, shall pay any more for their dispensations, licences or rescripts, than shall be contained, taxed and limited in the said duplicate books of taxes, only compositions excepted, of which being arbitrary; no tax can be made, wherefore the tax thereof shall be set and limited by the discretion of the said archbishop of *Canterbury*, and the lord chancellor of *England*, or the lord keeper of the great seal for the time being; (2) and that such as shall exact or receive of any suiter more for any dispensation, faculty, or licence, than shall be contained in the said books of taxes, shall forfeit ten times so much as he shall so extortiously exact and receive; the one half of the which forfeiture to be to the use of your Grace, your heirs or successors, and the other half thereof to be to such of your sub-

The fees of dispensations, faculties, licences, &c.

The penalty of extortion in officers.

jects as will sue for the same by action, bill or plaint in any of your Grace's courts, wherein the defendant shall have none es-
soin nor protection allowed, neither shall be admitted to wage
his law.

How the tax
for every dis-
pensation, fa-
culty or other
writing, shall
be divided.

XIII. Be it also enacted by this parliament, and by authority
of the same, That the tax or sum appointed to be paid for every
such dispensation, licence, faculty, instrument, rescript, or
other writing to be granted by authority of this act, shall be
employed and ordered, as hereafter ensueth : that is to say, if
the tax extend to iv. li. or above, by reason whereof the dis-
pensation, licence, faculty, rescript or writing, which shall pass
by the said archbishop's seal, must be confirmed by the appen-
sion of the great seal, then the said tax so extending to iv. li.
or above, shall be divided into three parts, whereof two shall
be perceived by the said clerk of the chancery (to be appointed
as is aforesaid) to the use of your Highness, your heirs and
successors, and to the use of the lord chancellor, or the keeper
of the great seal for the time being, and to the use of the said
clerk, in such wise as shall hereafter be declared ; (2) and that
the third part shall be taken by the said clerk of the archbishop,
to the use of the same archbishop and his commissary, and his
said clerk and register, in such wise as shall hereafter be order-
ed and limited by this act ; that is to say, the said two parts
shall be divided into four parts, of which three parts shall be
taken to the only use of your Highness, your heirs and succes-
sors, (3) and the fourth part shall be divided into three parts,
whereof the chancellor of *England*, or lord keeper of the great
seal for the time being, shall have two parts, and the said clerk
of the chancery the third part for his pains, travel and labours
that he is limited to write and do by virtue of this act ; (4) and
the said third part of the whole tax appointed to the said arch-
bishop, and his officers, (as is aforesaid) shall be divided into
three parts, whereof the archbishop shall have to his use two
parts, and his officers shall have the third part thereof ; (5) of
which third part to be divided into two parts, the said clerk
or register, which shall find parchment, wax and silk, and shall
devise and write the said dispensations, licences, faculties, re-
scripts or other writings, and register the same, shall have for
his said labour, and for receiving and repaying of the sums of
money that shall come to his hands for dispensations, faculties,
licences and other rescripts aforesaid, the one moiety thereof,
(6) and the commissary of the said archbishop appointed to seal
the said dispensations, faculties, licences, and other rescripts,
shall have the other part.

If the tax be
under iv. li.
and not under
xl. s.

XIV. And if the tax be under iv. li. and not under xl. s.
then the said tax shall be divided into three parts, as is afore-
said, whereof the King's highness, his heirs and successors,
shall have two parts thereof, abating iii. s. iv. d. which shall be
to the said clerk of the chancery for subscribing, intituling and
inrolling the said dispensations, licences, faculties, rescripts,
and other writings aforesaid, and receiving of the King's mo-
ney

ney fo taxed; (2) and the archbifhop and his officers fhall have the third part, which third part fhall be divided into two parts, whereof the archbifhop fhall have the one entirely to himfelf, his fcribe and commiffary fhall have the other part thereof, equally to be divided amongft them for their cofts and pains in that behalf; (3) and if the tax be under xl.s. and not under xxvi.s. viii.d. the fame tax fhall be divided into two parts, whereof the one part fhall be to your Grace, your heirs and fucceffors, deducting thereof ii. s. for the clerk of the chancery for his pains, as is aforefaid; (4) and the other part fhall be to the faid archbifhop and his officers, which other part fhall be divided into two parts, whereof the archbifhop fhall have the one, and his commiffary and fcribe fhall have the other, equally divided amongft them; (5) and if the tax be under xxvi. s. viii. d. and not under xx. s. the fame fhall be divided into two parts, whereof your Grace, your heirs and fucceffors fhall have one part entirely, abating ii. s. thereof to the faid clerk of the chancery; (6) and the archbifhop and his officers fhall have the other part, and the fame other part fhall be divided into three parts, whereof the archbifhop fhall have one, his commiffary the fecond, and his fcribe or register the third; (7) and in cafe the tax be under xx. s. the fame fhall be perceived to the ufe of the faid commiffary, clerk of the faid archbifhop, and clerk of the chancery, to be equally divided amongft them for their pains and labours by them to be fufained, by authority of this act, as aforefaid.

If the tax be under xl. s. and not under xxvi. s. viii. d.

If the tax be under xxvi. s. viii. d. and not under xx. s.

XV. Provided always, That this act fhall not be prejudicial to the archbifhop of *York*, or to any bifhop or prelate of this realm; but that they may lawfully (notwithftanding this act) difpenfe in all cafes in which they were wont to difpenfe by the common law or cuftom of this realm afore the making of this act.

Dispensations by other prelates.

XVI. Provided alfo, and be it enacted by the authority aforefaid, That if it happen the fee of the archbifhoprick of *Canterbury* to be void, that then all fuch manner of licences, difpenfations, faculties, instruments, refcripts and other writings, which may be granted by virtue and authority of this act, fhall (during the vacation of the fame fee) be had, done and granted under the name and feal of the guardian of the fpiritualties of the faid archbifhoprick for the time being, according to the tenor and form of this act, and fhall be of like force, value and effect, as if they had been granted under the name and feal of the archbifhop for the time being.

Dispensation by the guardian of the fpiritualties.

XVII. And be it further enacted, That if the aforefaid archbifhop of *Canterbury* for the time being, or the faid guardian of the fpiritualties for the time being, hereafter refufe or deny to grant any licences, difpenfations, faculties, instruments, or other writings, which they be authorized to do by virtue and authority of this act, in fuch manner and form as is afore remembered, to any perfon or perfons that ought, upon a good, juft and reafonable caufe, to have the fame, by reafon whereof this prefent act, by

A remedy where the archbifhop or guardian of the fpiritualties deny to grant difpenfations, licences, &c.

their

their wilfulneſs, negligence or default, ſhould take no effect; then the chancellor of *England*, or the lord keeper of the great ſeal for the time being, upon any complaint thereof made, ſhall direct the King's writ to the ſaid archbiſhop or guardian denying or reſuſing to grant ſuch licences, diſpenſations, faculties or other writings, enjoining him by the ſaid writ, upon a certain pain therein to be limited by the diſcretion of the ſaid chancellor or keeper of the great ſeal, that he ſhall in due form grant ſuch licence, diſpenſation, faculty or other writing, according to the requeſt of the procurers of the ſame, or elſe ſignify unto your Highneſs, your heirs or ſucceſſors, in the court of chancery at a certain day, for what occaſion or cauſe he reſuſed and denied to grant ſuch licences, faculties or diſpenſations; (2) and if it ſhall appear to the ſaid chancellor or lord keeper of the great ſeal, upon ſuch certificate, that the cauſe of reſuſal or denial of granting ſuch licences, faculty or diſpenſation was reaſonable, juſt and good, that then it ſo being proved by due ſearch and examination of the ſaid chancellor, or lord keeper of the great ſeal, to be admitted and allowed. (3) And if it ſhall appear upon the ſaid certificate, that the ſaid archbiſhop or guardian of the ſpiritualties for the time being, of wilfulneſs in contemning the due execution of this act, without a juſt and reaſonable cauſe, reſuſed or denied to grant ſuch licence, faculty or diſpenſation, that then your Highneſs, your heirs or ſucceſſors, being thereof informed, after due examination had, that ſuch licences, faculties or diſpenſations, may be granted without offending the holy ſcriptures and laws of God, ſhall have power and authority in every ſuch caſe, for the default, negligence and wilfulneſs of the ſaid archbiſhop or guardian, to ſend your writ of injunction under your great ſeal, out of your ſaid court of chancery, commanding the archbiſhop or guardian that ſhall ſo deny or reſuſe to grant ſuch licence, faculty or diſpenſation, to make ſufficient grant thereof, according to the tenor and effect of this act, by a certain day, and under a certain pain in the ſaid writ to be contained, and to be limited by your Highneſs, your heirs or ſucceſſors, Kings of this realm. (4) And if the ſaid archbiſhop or guardian, after the receipt of the ſaid writ, reſuſe or deny to grant ſuch licences, faculties or diſpenſations, as ſhall be enjoined him by virtue of the ſaid writ, and ſhew and prove before your Maſteſty, your heirs or ſucceſſors, no juſt or reaſonable cauſe why he ſhould do ſo; then the ſaid archbiſhop or guardian that ſhall ſo reſuſe to put this act in execution according to the ſaid writ of injunction, ſhall ſuffer, loſe and forfeit to your Highneſs, your heirs and ſucceſſors, ſuch pain and penalty as ſhall be limited and expreſſed in the ſaid writ of injunction. (5) And over that, it ſhall be lawful to your Highneſs, your heirs and ſucceſſors, for every ſuch default and wilfulneſs of the ſaid archbiſhop or guardian for the time being, to give power and authority, by commiſſion under your great ſeal, to two ſuch ſpiritual prelates or perſons to be named by your Highneſs, your heirs or ſucceſſors, as will do and grant ſuch licences, faculties and diſpenſa-

penſations, reſuſed or denied to be granted by the ſaid archbiſhop or guardian in contempt of this act.

XVIII. And be it further enacted by authority aforeſaid, That the ſaid two ſpiritual prelates or perſons, to whom in ſuch caſes any ſuch commiſſion ſhall be directed, ſhall have power and authority to grant every ſuch licence, faculty, diſpenſation, inſtrument and other writings, ſo reſuſed to be granted by the ſaid archbiſhop or guardian for the time being by any inſtrument under their ſeals, taking like fees and charges for the ſame as is before rehearſed, and not above, under the pains afore remembred. (2) And that every ſuch licence, faculty and diſpenſation ſo granted for any caſes or matters, whereunto any confirmation under the King's great ſeal is appointed by this act, to be had in manner and form above declared, ſhall be had and obtained accordingly. (3) And ſuch licences and confirmation ſhall be had for like fees and charges as they are above ſpecified, and not above, under the pains abovementioned. (4) And that every ſuch licence, faculty, diſpenſation and other writing, to be granted by the ſaid prelates or perſons to be aſſigned by the King's highneſs, his heirs and ſucceſſors, as is aforeſaid, ſhall be of as good value, ſtrength and effect, and as beneficial and profitable to the perſons procuring the ſame, as if they had been made, granted and obtained under the name and ſeal of the ſaid archbiſhop.

XIX. Provided always, That this act, nor any thing or things therein contained, ſhall be hereafter interpreted or expounded, that your Grace, your nobles and ſubjects intend by the ſame to decline or vary from the congregation of Chriſt's church in any things concerning the very articles of the catholic faith of *Chriſtendom*, or in any other things declared by holy ſcripture and the word of God, neceſſary for your and their ſalvations, (2) but only to make an ordinance by policies neceſſary and convenient to repreſs vice, and for good conſervation of this realm in peace, unity and tranquillity, from ravin and ſpoil, inſuing much the old antient cuſtoms of this realm in that behalf; not minding to ſeek for any relief, ſuccours or remedies for any worldly things and human laws, in any cauſe of neceſſity, but within this realm at the hands of your Highneſs, your heirs and ſucceſſors, Kings of this realm, which have and ought to have an imperial power and authority in the ſame, and not obliged in any worldly cauſes to any other ſuperior.

XX. Provided alway, That the ſaid archbiſhop of *Canterbury*, or any other perſon or perſons, ſhall have no power or authority by reaſon of this act, to viſit or vex any monaſteries, abbeyes, priories, colleges, hoſpitals, houſes or other places religious, which be or were exempt before the making of this act; any thing in this act to the contrary thereof notwithstanding; (2) but that redreſs, viſitation and confirmation ſhall be had by the King's highneſs, his heirs and ſucceſſors, by commiſſion under the great ſeal, to be directed to ſuch perſons as ſhall be

Diſpenſations granted by other ſpiritual prelates.

The King and the realm do not mean to vary from the articles of the catholic faith of Chriſtendom.

The King by commiſſion may viſit colleges, hoſpitals and places exempt, and not the archbiſhop of *Canterbury*.

None shall go forth of England to general councils.

This act shall not derogate from the statute of 21 H. 8. c. 13. touching pluralities of benefices, non-residence, &c.

The penalty for suing to the see of Rome for any licence, dispensation, &c. or for obeying any process from thence.

26 R. 2. c. 5.

appointed requisite for the same, in such monasteries, colleges, hospitals, priories, houses and places religious exempt: (3) so that no visitation nor confirmation shall from thenceforth be had or made, in or at any such monasteries, colleges, hospitals, priories, houses and places religious exempt by the said bishop of *Rome*, nor by any of his authority, nor by any out of the King's dominions; (4) nor that any person, religious or other, residing in any the King's dominions, shall from henceforth depart out of the King's dominions to or for any visitation, congregation or assembly for religion, but that all such visitations, congregations and assemblies shall be within the King's dominions.

XXI. Provided also, That this present act, or any thing therein contained, or any licence or dispensation hereafter to be made by virtue or authority thereof, shall not extend to the repeal or derogation of the late act made sith the beginning of this present parliament for reformation of pluralities of benefices, and for non-residences of spiritual persons upon their dignities or benefices, nor to any thing contained or mentioned in the said act; (2) nor that this act, nor any thing to be done by authority thereof, shall not be taken, expounded or interpreted to give licence to any person or persons to have any more number of benefices than is limited in the said act; (3) and that the same act for pluralities and non-residencies of benefices, and every thing therein contained, shall stand good and effectual in all intents, according to the true meaning thereof; any thing in this present act, or any licence or dispensation to be had by authority thereof, in any wise notwithstanding.

XXII. And be it further enacted by authority aforesaid, That if any person or persons, subject or residing within this realm, or within any of the King's dominions, at any time hereafter sue to the court of *Rome*, or the see of *Rome*, or to any person claiming to have his authority by the same, for any licence, faculty, dispensation, or other thing or things contrary to this act, or put in execution any licence, faculty, dispensation, or any other thing or things hereafter to be obtained from *Rome*, or the see of *Rome*, or from any claiming authority by the same, for any of the causes abovementioned in this act, or for any other causes that may be granted by authority of this act, or attempt, or do any thing or things contrary to this act, or maintain, allow, admit, or obey any manner of censures, excommunications, interdictions, or any other process from *Rome*, of what name or nature soever it be, to the derogation or let of the execution of this act, or of any thing or things to be done by reason of the said act; that then every such person or persons so doing, offending, and being thereof convicted, their aiders, counsellors and abettors, shall incur and run into the pain, loss and penalty comprised and specified in the act of provision and *Præmunire*, made in the sixteenth year of your most noble progenitor, King *Richard* the Second, against such as sue to the court of *Rome*, against your crown and dignity royal.

XXIII. Pro-

XXIII. Provided alway, That this act, or any thing therein contained, ſhall not hereafter be taken nor expounded to the derogation or taking away of any grants, or confirmations of any liberties, privileges, or juřiſdiction of any monaſteries, abbeys, priories, or other houſes, or places exempt, which heretofore the making of this act hath been obtained at the ſee of *Rome*, or by authority thereof, but that every ſuch grant and confirmation ſhall be of the ſame value, force and effect, as they were before the making of this act, and as if this act had never been made. (2) Provided alway, That the abbots, priors, and other chief rulers and governors of ſuch monaſteries, abbeys, priories and other houſes, and places exempt, ſhall not hereafter pay any pension, portion, or other cenſe to the ſee of *Rome*; (3) nor admit or accept any viſitation, nor any confirmation from or by the ſaid ſee of *Rome*, or by authority thereof, of or for any perſon to be elected, named, or preſented to be heads of any ſuch monaſteries, abbeys, priories, places or houſes exempt; nor ſhall make any corporal oath to the biſhop of *Rome*, otherwiſe called the Pope, upon the pains limited in this act: (4) but that every ſuch viſitation, and confirmation of ſuch heads elect in any ſuch monaſteries, abbeys, priories, houſes or places exempt, where after their election they were bounden to have and obtain any confirmation of their election, or of the perſon named, preſented or elect, ſhall be from henceforth had, made and done within this realm, at and within every ſuch abbeys, monaſteries, priories, and other houſes and places exempt, by ſuch perſon and perſons as ſhall be appointed, by authority of the King's commiſſion, from time to time, as the caſe ſhall require, and not by the ſee of *Rome*, nor by authority thereof; any thing in this next proviſo above ſpecified to the contrary thereof notwithstanding.

XXIV. Provided alway, That in ſuch monaſteries, abbeys, priories and houſes exempt, where after election, preſentation or nomination of their heads, no ſuch confirmation is requiſite to be had, nor hath been uſed to be taken by reaſon of ſuch privileges as they have concerning the ſame, that in every ſuch monaſteries, abbeys, priories and places exempt, they ſhall not be bounden to obtain, have or take any confirmation for the ſame within this realm, by authority of this act, but uſe their privileges therein as they have done before the making of this act; any thing in this act, or any the proviſoes next above rehearſed, to the contrary thereof notwithstanding.

XXV. Provided alſo and be it enacted, That this act, or any thing or things, word or words therein, or in the preamble thereof mentioned or contained, is not intended or meant, nor ſhall be expounded nor interpreted, that any diſpenſations, licences or confirmations for marriages, granted to any the King's ſubjects born under his obeyſance, at any time before the twelfth day of *March* in the year of our Lord God 1532. ſhall be appraised, or of any leſs value, ſtrength, force or effect, than they were at the ſaid twelfth day of *March*; (2) nor that this act, or any thing therein contained, ſhall not extend to the derogation, ſ. 11.

appairing

Grants and confirmations of liberties from the ſee of *Rome* to any abbey, &c. ſhall ſtill be of the ſame force as they were before.

Abbeys, &c. ſhall pay no pensions to the ſee of *Rome*, nor accept any viſitation or confirmation from thence, nor ſhall make an oath to the biſhop thereof.

Monaſteries, houſes, &c. where no confirmation is requiſite.

licences and diſpenſations obtained at the ſee of *Rome* before March 12, 1533. ſhall be of the ſame force they were before. 21 H. 8. c. 13. f. 11.

appairing or adnullation of any licences, difpensations, confirmations, faculties or indulgences at any time before the faid twelfth day of *March* in the year of our Lord God 1533. had or obtained at the fee of *Rome*, or by authority thereof, to or for any fubjects born in this realm, or in any the King's dominions, or to or for the hospital of the prior of faint *John's Jerufalem* in *England*, or any commandries or members thereof, or to or for any other cathedral churches, hospitals, monafteries, abbeyes, priories, colleges, conventual churches, parochial churches, chapels, fraternities, brotherheads or bodies politick within this realm, or in any other the King's dominions; (3) but that every fuch licence, difpensation, confirmation, faculty and indulgence granted before the faid xii day of *March* to any fuch fubject, or to the faid hospital of the prior of St. *John's Jerufalem* in *England*, commandries or members thereof, or to any other cathedral church, hospital, monaftery, abbey, priory, college, church conventual, parochial church, chapel, fraternity, brotherhead or body politick, or to their predeceffors or anceftors within this realm, or in any other the King's dominions, fhall be of the fame force, ftrength, value and effect, and may be from time to time put in execution at all times hereafter, by and to them that will ufe and have the fame, as they might have been afore the making of this act, and as if this act had never been had ne made; any thing in the faid act to the contrary hereof notwithstanding.

Hob. 146.

XXVI. Provided always, That fuch licences, difpensations, confirmations or faculties heretofore obtained at the fee of *Rome*, or by authority thereof, contrary to the exprefs provifions of the the laws and ftatutes of this realm heretofore made, fhall not at any time hereafter be ufed or put in execution in any cafe, to the derogation, or contrary to the faid laws and ftatutes of this realm, and the provifions of the fame; any thing in this provifo to the contrary thereof notwithstanding.

The King
with the ad-
vice of his
council may
reform the
manner of in-
dulgences.

XXVII. And be it enacted by authority of this prefent parliament, That the King our fovereign lord, by the advice of his honourable council, fhall have power and authority from time to time, for the ordering, redrefs and reformation of all manner of indulgences and privileges thereof within this realm, or within any the King's dominions, heretofore obtained at the fee of *Rome*, or by authority thereof, and of the abufes of fuch indulgences and privileges thereof, as fhall feem good, wholefome and reafonable for the honour of God and weal of his people; and that fuch order and redrefs as fhall be taken by his Highnefs in that behalf, fhall be obferved and firmly kept upon the pains limited in this act for the offending of the contents of the fame.

Repealed by
1 & 2 P. & M.
c. 8. and re-
vived by 1 El.
c. 1.

XXVIII. Provided alway, and be it enacted by authority of this prefent parliament, That this prefent act, or any thing or things therein contained, fhall not begin to take effect nor be put in execution till the feaft of the nativity of St. *John Baptift* next coming, except the King's majefty, on this fide the faid

feaft,

feast, by his letters patents under his great seal to be inrolled in the parliament roll of this present parliament, do declare and exprefs, that it is his pleasure that it shall begin and take effect at any time afore the said feast; and if his Highness happen so to do, that then, immediately after such declaration of his pleasure by his said letters patents in form aforeſaid, this said act shall begin and be put in execution afore the said feast, according to his said pleasure so to be declared by his said letters patents; any thing in this proviso to the contrary hereof notwithstanding.

XXIX. And be it further enacted by authority aforeſaid, That the King's majesty at all times on this ſide the said feast shall have full power and authority, by his letters patents under his great seal to be inrolled in the parliament roll of this present parliament, to abrogate, adnull and utterly repeal and make void this act and every thing and things therein contained, or else as much and such part thereof as shall be declared and limited on this ſide the said feast by his letters patents to be void and repealed; and that all such repeal and adnullation so to be made in form aforeſaid by his Highness on this ſide the said feast, shall be as good and effectual as though it had been done and had by authority of parliament; any thing or things contained in this present act to the contrary hereof notwithstanding; and if no such repeal be had or made by the King's majesty on this ſide the said feast, in form as is afore rehearſed, that then the said act, or as much and such part thereof as shall not be repealed on this ſide the said feast, shall immediately after the said feast stand firm, good and effectual, and from thenceforth be put in due execution according to the tenor thereof; any thing in this act or in any the provisions aforeſaid to the contrary hereof notwithstanding.

CAP. XXII.

An act concerning the King's ſucceſſion.

IN their most humble wiſe ſhewn unto your Majesty your most humble and obedient ſubjects, the lords ſpiritual and temporal and the commons in this present parliament aſſembled, That ſince it is the natural inclination of every man, gladly and willingly to provide for the ſurety of both his title and ſucceſſion, although it touch only his private cauſe, we therefore, most rightiſul and dreadful ſovereign Lord, reckon our ſelves much more bound to beſeech and inſtant your Highness (although we doubt not of your princely heart and wiſdom, mixed with a natural affection to the ſame) to foreſee and provide for the perfect ſurety of both you, and of your most lawful ſucceſſion and heirs, upon which dependeth all our joy and wealth, in whom alſo is united and knit the only mere true inheritance and title of this realm, without any contradiction; (2) wherefore we your said most humble and obedient ſubjects, in this present parliament aſſembled, calling to our remembrance the great diſſiſions which in times paſt have been in this realm, by reaſon of ſeveral titles pretended to the imperial crown of the ſame, which ſometimes, and for the most part enſued, by occaſion of ambiguity and

The ſucceſſion of the King's majesty in the imperial crown.

Repealed 1 & 2 Ph. & M. c. 2. & c. 8.

The ambiguity of the several titles to the crown of this realm, and the not establishing of the succession thereof, hath been the causes of much trouble.

doubts, then not so perfectly declared, but that men might upon forward intents, expound them to every man's sinister appetite and affection, after their sense, contrary to the right legality of the succession and posterity of the lawful Kings and emperors of this realm; (3) whereof hath ensued great effusion and destruction of man's blood, as well of a great number of the nobles, as of other the subjects, and especially inheritors in the same; (4) and the greatest occasion thereof hath been because no perfect and substantial provision by law hath been made within this realm of itself, when doubts and questions have been moved and proponed, of the certainty and legality of the succession and posterity of the crown; (5) by reason whereof the bishop of Rome, and see apostolick, contrary to the great and inviolable grants of jurisdiction given by God immediately to emperors, kings and princes, in succession to their beirs, hath presumed in times past, to invest who should please them, to inherit in other men's kingdoms and dominions, which thing we your most humble subjects, both spiritual and temporal, do utterly abhor and detest; (6) and sometimes other foreign princes and potentates of sundry degrees, minding rather dissension and discord to continue in the realm, to the utter desolation thereof, than charity, equity or unity, have many times supported wrong titles, whereby they might the more easily and easily aspire to the superiority of the same; the continuance and sufferance whereof deeply considered and pondered, were too dangerous and perilous to be suffered any longer within this realm, and too much contrary to the unity, peace and tranquility of the same, being greatly reproachable and dishonourable to the whole realm:

II. In consideration whereof, your said most humble and obedient subjects, the nobles and commons of this realm, calling further to their remembrance, that good unity, peace and weal of this realm, and the succession of the subjects of the same, most especially and principally above all worldly things consisteth and resteth in the certainty and surety of the procreation and posterity of your Highness, in whose most royal person, at this present time, is no manner of doubt nor question; do therefore most humbly beseech your Highness, that it may please your Majesty, That it may be enacted by your Highness, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That the marriage heretofore solemnized between your Highness and the lady Katherine, being before the lawful wife to prince Arthure, your elder brother, which by him was carnally known, as doth duly appear by sufficient proof in a lawful process had and made before Thomas, by the sufferance of God, now archbishop of Canterbury and metropolitan and primate of all this realm, shall be, by authority of this present parliament, definitively, clearly and absolutely declared, deemed and adjudged to be against the laws of Almighty God, (2) and also accepted, reputed and taken of no value nor effect, but utterly void and adnihilated, and the separation thereof, made by the said archbishop, shall be good and effectual to all intents and purposes; any licence, dispensation or any other act or acts going afore, or ensuing the same, or to the contrary thereof, in any wise notwithstanding; (3) and that every such licence, dispensation,

The marriage between the King and the lady Katherine shall be adjudged void, and the separation good.

penfation, act or acts, thing or things heretofore had, made, done, or to be done to the contrary thereof, fhall be void and of none effect; (4) and that the faid lady *Katherine* fhall be from henceforth called and reputed only dowager to prince *Arthur*, and not queen of this realm; (5) and that the lawful matrimony had and folemnized between your Highnefs and your moft dear and entirely beloved wife Queen *Anne*, fhall be eftablifhed, and taken for undoubtful, true, fincere and perfect ever hereafter, according to the juft judgment of the faid *Thomas*, archbifhop of *Canterbury*, metropolitan and primate of all this realm, whole grounds of judgment have been confirmed, as well by the whole clergy of this realm in both the convocations, and by both the univerfities thereof, as by the univerfities of *Bonony*, *Padua*, *Paris*, *Orleance*, *Tholoufe*, *Angiewe* and divers others, and alfo by the private writings of many right excellent well learned men; (6) which grounds fo confirmed, and judgment of the faid archbifhop enfuing the fame, together with your marriage folemnized between your Highnefs and your faid lawful wife Queen *Anne*, we your faid fubjects, both fpiritual and temporal, do purely, plainly, constantly and firmly accept, approve and ratify for good, and confonant to the laws of Almighty God, without error or default; moft humbly befeeching your Majefty, that it may be fo eftablifhed for ever by your moft gracious and royal affent.

The lady *Katherine* fhall be called dowager to prince *Arthur*, and not Queen.

The marriage between the King and his wife *Q Anne* fhall be taken for good, and confonant to God's law.

III. And furthermore, fince many inconveniencies have fallen, as well within this realm as in others, by reafon of marrying within the degrees of marriage prohibited by God's laws, that is to fay, the fon to marry the mother, or the ftepmother, the brother the fifter, the father his fon's daughter, or his daughter's daughter, or the fon to marry the daughter of his father procreate and born by his ftepmother, or the fon to marry his aunt, being his father's or mother's fifter, or to marry his uncle's wife, or the father to marry his fon's wife, or the brother to marry his brother's wife, or any man to marry his wife's daughter, or his wife's fon's daughter, or his wife's daughter's daughter, or his wife's fifter; (2) which marriages, albeit they be plainly prohibited and detefted by the laws of God, yet nevertheless at fometimes they have proceeded under colours of difpensations by man's power, which is but ufurped, and of right ought not to be granted, admitted nor allowed; for no man, of what eftate, degree or condition foever he be, hath power to difpenfe with God's laws, as all the clergy of this realm in the faid convocations, and the moft part of all the famous univerfities of chriſtendom, and we alfo, do affirm and think.

Marriage within the degrees prohibited by God's law.
2 Vent. 11.
32 H. 8. c. 38.

No man hath power to difpenfe with God's law.

IV. Be it therefore enacted by the authority aforefaid, That no perfon or perfons, fubjects or refiants of this realm, or in any your dominions, of what eftate, dignity or degree foever they be, fhall from henceforth marry within the faid degrees afore rehearfed, what pretence foever fhall be made to the contrary thereof; (2) and in cafe any perfon or perfons, of what eftate, dignity, degree or condition foever they be, hath been heretofore married within this realm, or in any the King's

dominions, within any the degrees above expreſſed, and by any the archbiſhops, biſhops or miniſters of the church of *England*, be ſeparate from the bonds of ſuch unlawful marriage, that then every ſuch ſeparation ſhall be good, lawful, firm and permanent for ever, and not by any power, authority or means to be revoked or undone hereafter, and that the children proceeding and procreate under ſuch unlawful marriage, ſhall not be lawful ne legitimate; any foreign laws, licences, diſpenſations or other thing or things to the contrary thereof notwithstanding.

Persons here-
tofore married
within the
degrees afore-
ſaid ſhall be
ſeparated by
the ordinary's
ſentence.

Hob. 148.

25 H. 8. c. 21.

f. 8. n. 1.

V. And in caſe there be any perſon or perſons within this realm, or in any the King's dominions, already married within any the ſaid degrees above ſpecified, and not yet ſeparate from the bonds of ſuch unlawful marriage, That then every ſuch perſon ſo unlawfully married, ſhall be ſeparate by the definitive ſentence and judgments of the archbiſhops, biſhops and other miniſters of the church of *England*, and in other your dominions, within the limits of their jurisdictions and authorities, and by none other power or authority; (2) and that all ſentences and judgments given and to be given by any archbiſhop, biſhop or other miniſter of the church of *England*, or in other the King's dominions, within the limits of their jurisdictions and authorities, ſhall be definitive, firm, good and effectual, to all intents, and be obſerved and obeyed, without ſuing any provocations, appeals, prohibitions or other proceſs from the court of *Rome*, to the derogation thereof, or contrary to the act made ſince the beginning of this preſent parliament, for reſtraint of ſuch provocations, appeals, prohibitions and other proceſſes.

All the iſſue
procreate be-
tween the
King and his
wife *Q. Anne*
ſhall be his
lawful
children.

VI. And alſo be it enacted by authority aforeſaid, That all the iſſue had and procreate, or hereafter to be had and procreate, between your Highneſs and your ſaid moſt dear and entirely beloved wife *Queen Anne*, ſhall be your lawful children, and be inheritable, and inherit according to the courſe of inheritance and laws of this realm, the imperial crown of the ſame, with all dignities, honours, preheminences, prerogatives, authorities and jurisdictions to the ſame annexed or belonging, in as large and ample manner as your Highneſs at this preſent time hath the ſame as King of this realm, the inheritance thereof to be and remain to your ſaid children and right heirs, in manner and form as hereafter ſhall be declared.

The imperial
crown of Eng-
land, &c. in-
tailed.

VII. That is to ſay, firſt the ſaid imperial crown, and other the premiſſes, ſhall be to your Maſteſty, and to your heirs of your body lawfully begotten; that is to ſay, to the firſt ſon of your body, between your Highneſs and your ſaid lawful wife *Queen Anne* begotten, and to the heirs of the body of the ſame firſt ſon lawfully begotten, and for default of ſuch heirs, then to the ſecond ſon of your body and of the body of the ſaid *Queen Anne* begotten, and the heirs of the body of the ſaid ſecond ſon lawfully begotten, and ſo to every ſon of your body and of the body of the ſaid *Queen Anne* begotten, and to the heirs of the body of every ſuch ſon begotten, according to the courſe of inheritance in that behalf; (2) and if it ſhall happen your ſaid dear and
entirely

entirely beloved wife Queen *Anne* to deceafe without issue male of the body of your Highnefs to be begotten, (which God defend) then the fame imperial crown, and all other the premisses, to be to your Majesty, as is aforefaid, and to the fon and heir male of your body lawfully begotten, and to the heirs of the body of the fame fon and heir male lawfully begotten; and for default of fuch issue, then to your fecond fon of your body lawfully begotten, and to the heirs of the body of the fame fecond fon lawfully begotten, and fo from fon and heir male to fon and heir male, and to the heirs of the feveral bodies of every fuch fon and heir male to be begotten, according to the courfe of inheritance, in like manner and form as is aforefaid; (3) and for default of fuch fons of your body begotten, and of the heirs of the feveral bodies of every fuch fons lawfully begotten, that then the faid imperial crown, and other the premisses, fhall be to the issue female between your Majesty and your faid moft dear and entirely beloved wife Queen *Anne* begotten, that is to fay, firft to the eldeft issue female, which is the lady *Elizabeth*, now princefs, and to the heirs of her body lawfully begotten, and for default of fuch issue, then to the fecond issue female, and to the heirs of her body lawfully begotten, and fo from issue female to issue female, and to the heirs of their bodies one after another, by courfe of inheritance, according to their ages; as the crown of *England* hath been accuftomed, and ought to go, in cafes when there be heirs females to the fame; and for default of fuch issue, then the faid imperial crown, and all other the premisses, fhall be in the right heirs of your Highnefs for ever.

The lady Elizabeth the firft issue female of the King and Q. Anne his wife.

VIII. And be it further enacted by authority aforefaid, That on this fide the firft day of *May* next coming, proclamation fhall be made in all fhires within this realm, of the tenor and contents of this act; and if any perfon or perfons, of what eftate, dignity or condition foever they be, fubject or refiant within this realm, or elfewhere within any the King's dominions, after the faid firft day of *May*, by writing or imprinting, or by any exterior act or deed, maliciously procure or do, or caufe to be procured or done, any thing or things to the peril of your moft royal perfon, (2) or maliciously give occafion by writing, print, deed or act, whereby your Highnefs might be difturbed or interrupted of the crown of this realm, (3) or by writing, print, deed or act, procure or do, or caufe to be procured or done, any thing or things to the prejudice, flander, difturbance or derogation of the faid lawful matrimony folemnized between your Majesty and the faid Queen *Anne*, or to the peril, flander or difhonour of any of the issues and heirs of your Highnefs, being limited by this act to inherit and to be inheritable to the crown of this realm in fuch form as is aforefaid, whereby any fuch issues or heirs of your Highnefs might be deftroyed, difturbed or interrupted in body or title of inheritance to the crown of this realm, as to them is limited in this act in form above rehearfed; (4) that then every fuch perfon and perfons, of what eftate, degree or condition they be of, fubject or refiant with-

This act fhall be proclaimed in all the fhires of England.

The penalty for hurting the King's perfon, difturb- ing his title to the crown, or flandering his marriage.

Rep. 1 E. 6.
c. 12. f. 2.

The rights of
all others, ex-
cept the of-
fenders, ſaved.

The penalty
for publiſhing
any thing to
the peril of
the King, or
the ſlander of
his marriage,
or to the diſ-
heritance of
his iſſue.

in this realm, and their aiders, counſellors, maintainers and abettors, and every of them, for every ſuch offence ſhall be adjudged high traitors, and every ſuch offence ſhall be adjudged high treaſon, and the offenders and their aiders, counſellors, maintainers and abettors, and every of them, being lawfully convict of ſuch offence by preſentment, verdict, confeſſion or proceſs, according to the cuſtoms and laws of this realm, ſhall ſuffer pains of death, as in caſes of high treaſon; (5) and that alſo every ſuch offender, being convict as is aforeſaid, ſhall loſe and forfeit to your Highneſs, and to your heirs, Kings of this realm, all ſuch manors, lands, tenements, rents, annuities and hereditaments, which they had in poſſeſſion as owners, or were ſole ſeized of by or in any right, title or means, or any other perſon or perſons had to their uſe, of any eſtate of inheritance, at the day of ſuch treaſons and offences by them committed and done; (6) and ſhall alſo loſe and forfeit to your Highneſs, and to your ſaid heirs, as well all manner ſuch eſtates of freehold and intereſts for years of lands and rents, as all their goods, chattels and debts, which they had at the time of conviction or attainder of any ſuch offence: (7) ſaving always to every perſon and perſons, and bodies politick, to their heirs, aſſigns and ſucceſſors, and every of them, other than ſuch perſons as ſhall be ſo convict, and their heirs and ſucceſſors, and all other claiming to their uſes, all ſuch right, title, uſe, intereſt, poſſeſſion, condition, rents, fees, offices, annuities and commons, which they or any of them ſhall happen to have in, to or upon any ſuch manors, lands, tenements, rents, annuities or hereditaments, that ſhall ſo happen to be loſt and forfeit by reaſon of attainder for any the treaſons and offences above rehearſed, at any time before the ſaid treaſons and offences committed.

IX. And be it further enacted by authority aforeſaid, That if any perſon or perſons after the ſaid firſt day of *May*, by any words, without writing, or any exterior deed or act, maliciously and obſtinately ſhall publiſh, divulge or utter any thing or things to the peril of your Highneſs, or to the ſlander or prejudice of the ſaid matrimony ſolemnized between your Highneſs and the ſaid Queen *Anne*, or to the ſlander and diſheriſon of the iſſue and heirs of your body begotten and to be begotten by the ſaid Queen *Anne*, or any other your lawful heirs, which ſhall be inheritable to the crown of this realm, as is before limited by this act; that then every ſuch offence ſhall be taken and adjudged for miſpriſion of treaſon; (2) and that every perſon and perſons, of what eſtate, degree or condition ſoever they be, ſubject or reſiant within this realm, or in any the King's dominions, ſo doing and offending, and being thereof lawfully convict by preſentment, verdict, proceſs or confeſſion, ſhall ſuffer imprisonment of their bodies at the King's will, and ſhall loſe as well all their goods, chattels and debts, as all ſuch intereſts and eſtates of freehold or for years, which any ſuch offender ſhall have of or in any lands, rents or hereditaments whatſoever, at the time of conviction and attainder of ſuch offence.

X. And

X. And be it alſo enacted by the authority aforeſaid, That no perſon nor perſons offending in any of the treaſons and miſpriſions contained and limited by this act, ſhall in any wiſe have or enjoy the privilege and immunity of any manner of ſanctuaries within this realm, or elſewhere within any of the King's dominions, but ſhall utterly loſe and be excluded of the ſame; any uſe, cuſtom, grant, preſcription, confirmation, or any other thing or things to the contrary thereof in any wiſe notwithstanding.

An offender ſhall not have the privilege of ſanctuary.

XI. And be it alſo enacted by authority aforeſaid, That if your Maſteſty ſhould happen to deceaſe before any ſuch your iſſue and heir male which ſhould inherit the crown of this realm, ſhall be of his age of eighteen years, or before ſuch your iſſue and heir female which ſhould inherit the crown of this realm, ſhall be married, or be of the age of ſixteen years, which Almighty God defend, that then your ſaid iſſue and heir male to the crown, ſo being within the ſaid age of eighteen years, or your ſaid iſſue and heir female to the crown, being unmarried, or within the ſaid age of ſixteen years, ſhall be and remain unto ſuch time as ſuch iſſues and heirs ſhall come to the ſaid ſeveral ages afore limited, at and in the governance of their natural mother, ſhe living, with ſuch other counſellors of your realm, as your Maſteſty in your life-time ſhall depute and aſſign by your will, or otherwiſe, for the ſame, without contradiction of any perſon or perſons to the contrary thereof.

Who ſhall have the government of the King's iſſue and heir during minority.

XII. And if any perſon and perſons by writing, or exterior deed or act, procure or do, or cauſe to be procured or done any thing or things to the let or diſturbance of the ſame; that then every ſuch offence ſhall be high treaſon, and the offenders being thereof convicted, ſhall ſuffer ſuch pains of death and loſſes of inheritance, freeholds, intereſts for years, goods, chattels and debts, in ſuch manner and form as is above ſpecified in caſes of treaſon afore mentioned.

XIII. And for the more ſure eſtabliſhment of the ſucceſſion of your moſt royal Maſteſty, according to the tenor and form of this act; be it further enacted by authority aforeſaid, That as well all the nobles of your realm ſpiritual and temporal, as all other your ſubjects now living and being, or which hereafter ſhall be, at their full ages, by the commandment of your Maſteſty or of your heirs, at all times hereafter from time to time, when it ſhall pleaſe your Highneſs or your heirs to appoint, ſhall make a corporal oath in the preſence of your Highneſs or your heirs, or before ſuch others as your Maſteſty or your heirs will depute for the ſame, that they ſhall truly, firmly and conſtantly, without fraud or guile, obſerve, fulfil, maintain, defend and keep, to their cunning, wit, and uttermoſt of their powers, the whole effects and contents of this preſent act. (2) And that all manner your ſubjects, as well ſpiritual as temporal, ſuing livery, reſtitutions, or *ouſter le main* out of the hands of your Highneſs or of your heirs, or of doing any fealty to your Highneſs or to your heirs, by reaſon of tenure of their lands,

All perſons ſhall be ſworn to perform the contents of this act.

26 H. 8. c. 2.

shall fwear a like corporal oath, that they and every of them without fraud or guile, to their cunning, wit, and uttermoft of their powers, fhall truly, firmly and constantly obferve, fulfil, maintain, defend and keep the effects and contents contained and fpecified in this act, or in any part thereof; (3) and that they, nor any of them, fhall hereafter have any liveries, *oufter le mains*, or reftitution out of your hands, nor out of the hands of your heirs, till they have made the faid corporal oath in form above rehearfed: and if any perfon or perfons, being commanded by authority of this act to make the faid oath afore limited, obftinately refufe that to do, in contempt of this act, that then every fuch perfon fo doing, to be taken and accepted for offender in mifprifion of high treason; and that every fuch refufal fhall be deemed and adjudged mifprifion of high treason; and the offender therein to fuffer fuch pains and imprifonment, loffes and forfeitures, and alfo lofe privileges of fanctuaries, in like manner and form as is above mentioned for the mifprifions of treafons afore limited by this act.

The penalty of them which refufe to take the oath.

Marriage with carnal knowledge.

XIV. Provided always, That the article in this act contained concerning prohibitions of marriages within the degrees afore-mentioned in this act, fhall always be taken, interpreted and expounded of fuch marriages, where marriages were folemnized and carnal knowledge was had.

Statutes made at *Westminfter*, Anno 26 HEN. VIII.
and *Anno Dom.* 1534.

ACTS made in the feflion of this prefent parliament, holden up-
on prorogation at *Westminfter* the third day of November
in the fix and twentieth year of the reign of our moft dread fovereign
lord King Henry the Eighth, and there continued and kept till the
eighteenth day of December next enfuing, to the honour of God, and
for the common weal and profit of this his realm.

CAP. I.

The King's grace to be authorized fupreme head.

The King fhall be reputed fupreme head of the church of England, and correct all heresies and offences.

ALBEIT the King's majefty juftly and rightfully is and ought to be the fupreme head of the church of England, and fo it is recognized by the clergy of this realm in their convocations, yet nevertheless for corroboracion and confirmation thereof, and for increafe of virtue in Chrift's religion within this realm of England, and to repress and extirp all errors, heresies, and other enormities and abuses heretofore ufed in the fame: be it enacted by authority of this prefent parliament, That the King our fovereign lord, his heirs and fucceffors, Kings of this realm, fhall be taken accepted and reputed the only fupreme head in earth of the church of England, called *Anglicana Ecclefia*; (2) and fhall have and enjoy, annexed and united to the imperial crown of this realm, as well the title and ftile thereof, as all honours, dignities, preheminences, jurisdictions,

jurifdictions, privileges, authorities, immunities, profits and commodities to the ſaid dignity of ſupreme head of the ſame church belonging and appertaining; (3) and that our ſaid ſovereign lord, his heirs and ſucceſſors, Kings of this realm, ſhall have full power and authority from time to time to viſit, reſpreſs, redreſs, reform, order, correct, reſtrain and amend all ſuch errors, hereſies, abuſes, offences, contempts and enormities, whatſoever they be, which by any manner ſpiritual authority or jurifdiction ought or may lawfully be reformed, reſpreſſed, ordered, redreſſed, corrected, reſtrained or amended, moſt to the pleaſure of Almighty God, the increaſe of virtue in Chriſt's religion, and for the conſervation of the peace, unity and tranquility of this realm; any uſage, custom, foreign laws, foreign authority, preſcription, or any other thing or things to the contrary hereof notwithstanding.

Repealed by
1 & 2 Ph. & M.
c. 8. and re-
vived by
1 Eliz. c. 1.
5 Eliz. c. 1.

CAP. II.

The oath of obedience to the King and the heirs of his body begotten of Queen Anne. Any former oath made to be reputed vain and annihilate. The expoſition of the oath, and who have and ſhall be bound to take it. Certificate ſhall be made into the King's bench of the reſuſers of the oath.

25 H. 8. c. 12.
28 H. 8. c. 7.
1 & 2 Ph. & M.
c. 8.
1 Eliz. c. 1.

CAP. III.

The bill for the firſt-fruits, with the yearly penſions to the King.

FORAſmuch as it is, and of very duty ought to be, the natural inclination of all good people, like moſt faithful loving and obedient ſubjects, ſincerely and willingly to deſire to provide, not only for the publick weal of their native country, but alſo for the ſupportation, maintenance and defence of the royal eſtate of their moſt dread benign and gracious ſovereign lord, upon whom, and in whom dependeth all their joy and wealth, in whom alſo is united and knit ſo princely a heart and courage, mixed with mercy, wiſdom and juſtice, and alſo a natural affection joined to the ſame, as by the great, inſtimable and benevolent arguments thereof, being moſt bountifully, largely, and many times ſhewed, miniſtered and approved towards his loving and obedient ſubjects, hath well appeared, which requireth a like correſpondence of gratitude to be conſidered, according to their moſt bounden duties; (2) wherefore his ſaid humble and obedient ſubjects, as well the lords ſpiritual and temporal, as the commons, in this preſent parliament aſſembled, calling to their remembrance not only the manifold and innumerable benefits daily adminiſtered by his Highneſs to them all, and to the reſidue of all other his ſubjects of this realm; but alſo how long time his Maſteſty hath moſt victoriously, by his high wiſdom and policy, protected, defended and governed this his realm, and maintained his people and ſubjects of the ſame in tranquillity, peace, unity, quietneſs and wealth; (3) and alſo conſidering what great, exceſſive and inſtimable charges his Highneſs hath heretofore been at, and ſuſtained by the ſpace of five and twenty whole years, and alſo daily ſuſtaineth, for the maintenance, tuition and defence of this his realm, and his loving ſubjects of the ſame, which cannot be ſuſtained and born without ſome honourable

Firſt-fruits of all dignities ſpiritual ſhall be paid to the King, &c.
12 Co. 45.
Rep. 2 & 3 Ph. & M. c. 4. and revived by
1 Eliz. c. 4.
2 Ann. c. 11.

able provision and remedy may be made, found, provided and ordained for maintenance thereof; do therefore desire, and most humbly pray, that for the more surety of continuance and augmentation of his Highness' royal estate, being not only now recognized (as he always indeed hath heretofore been) the only supreme head in earth, next, and immediately under God, of the church of England, but also their most assured and undoubted natural sovereign liege lord and King, having the whole governance, tuition, defence and maintenance of this his realm, and most loving and obedient subjects of the same: it may therefore be ordained and enacted by his Highness, and the lords spiritual and temporal, and the commons in this present parliament assembled, and by authority of the same, in manner and form following:

The first-fruits and profits for one year of every spiritual living is granted to the King.
By 27 H. 8. c. 8. s. 1. a deduction is to be made of the tenth part of the whole out of the first-fruits for the first year.

Every spiritual person shall be bound for his first-fruits before his actual possession of his benefice.

See 28 H. 8. c. 15. s. 3.

Commissioners to search for the value of benefices, and to compound for the first-fruits.

II. That is to say, That the King's highness, his heirs and successors, Kings of this realm, shall have and enjoy from time to time, to endure for ever, of every such person and persons which at any time after the first day of *January* next coming shall be nominated, elected, preferred, presented, collated, or by any other means appointed, to have any archbishoprick, bishoprick, abbacy, monastery, priory, college, hospital, archdeaconry, deanry, provostship, prebend, parsonage, vicarage, chauntry, free chapel, or other dignity, benefice, office or promotion spiritual within this realm, or elsewhere within any of the King's dominions, of what name, nature or quality soever they be, or to whose foundation, patronage or gifts soever they belong, the first-fruits, revenues and profits for one year of every such archbishoprick, bishoprick, abbey, monastery, priory, college, hospital, archdeaconry, deanry, provostship, prebend, parsonage, vicarage, chauntry, free chapel or other dignity, benefice, office or promotion spiritual afore named, whereunto any such person or persons shall after the said first day of *January* be nominated, elected, preferred, presented, collated, or by any other means appointed; (2) and that every such person and persons, before any actual or real possession, or meddling with the profits of any such archbishoprick, bishoprick, abbacy, monastery, college, hospital, deanry, provostship, prebend, parsonage, vicarage, chauntry, free chapel, priory or other dignity, benefice, office or promotion spiritual, shall satisfy, content and pay, or compound or agree to pay to the King's use, at reasonable days, upon good sureties, the said first-fruits and profits for one year.

III. And be it also enacted by authority aforesaid, That the chancellor of *England* and master of the rolls for the time being, jointly and severally, or such other person and persons as shall please the King's highness, his heirs or successors, from time to time, at his or their pleasure, to name and depute, by commission or commissions under the great seal, shall have power and authority, as well to examine and search for the just and true value of the said first-fruits and profits, by all ways and means that they can, as to compound and agree for the rate of the said first-fruits and profits, and to stall and limit reasonable days for payment thereof upon good and sufficient

cient ſurety or ſureties by writings obligatory by their diſcretions; (2) and if compoſition or agreement be had or made for the ſaid firſt-fruits before the ſaid lord chancellor or maſter of the rolls, that then the writings obligatory, or money taken for the ſame, ſhall reſt, remain and abide in the hanaper of the King's chancery, there ſafely to be kept to the King's uſe, and the money to be due of ſuch writings obligatory, or to be received in hand by reaſon of any ſuch compoſition, ſhall be paid in the ſaid hanaper to the clerk of the hanaper for the time being, and that the ſaid clerk of the hanaper ſhall make a true and juſt account thereof, like as he is bound to do of the money received of the profits of the King's great ſeal; (3) and if compoſition or agreement be had or made for the ſaid firſt-fruits, afore any other perſon or perſons to be deputed by the King's highneſs, his heirs or ſucceſſors, by commiſſion under his great ſeal, that then the writings obligatory, and money taken for the ſame, ſhall be delivered to the treaſurer of the King's moſt honourable chamber for the time being, or elſewhere to whom it ſhall pleaſe the King's highneſs, his heirs or ſucceſſors, to give authority by commiſſion under the great ſeal to receive the ſame.

The money taken for firſt-fruits ſhall be delivered to the treaſurer of the chamber,

IV. And it is alſo ordained and enacted by authority aforeſaid, That every writing of acquittance ſubſcribed with the hand and name of the clerk of the hanaper, and treaſurer of the chamber, or other commiſſioners aforeſaid, or any of them, witneſſing the receipt of the ſaid firſt-fruits or any part thereof, ſhall be as good and effectual againſt the King's highneſs, his heirs and ſucceſſors, to every perſon and perſons having the ſame, for ſo much money as ſhall be mentioned to be received and contained in every ſuch acquittance, as if ſuch acquittance were or had been lawfully had and obtained in the King's name, under the King's great ſeal, and ſo ſhall be admitted, accepted, allowed and taken in every of the King's courts; (2) and that all writings obligatory to be taken for payment of the ſaid firſt-fruits, by and afore the ſaid lord chancellor, or maſter of the rolls, or by and afore any other perſon or perſons to be deputed to compound and agree for the ſaid firſt-fruits as is aforeſaid, ſhall be of the ſame ſtrength, force, virtue, quality and effect, to all intents and purpoſes, as writings obligatory heretofore made by any lay perſon by authority of the ſtatute of the ſtaple been; (3) and that upon certificate hereafter to be made into the King's chancery, of any ſuch writings obligatory to be taken for payment of ſuch firſt-fruits, like proceſs and execution ſhall be thereupon made and had againſt any perſon ſpiritual and temporal, as hath been accuſtomed to be made againſt any lay perſon, upon certificate of writings obligatory of the ſaid ſtatute of the ſtaple; (4) and that no perſon ſhall be compelled to pay for any writing obligatory to be made for the ſaid payment of the ſaid firſt-fruits, above viii. d. nor for any acquittance to be made for receipt of ſuch firſt-fruits, above iv. d. (5) and that ſuch perſon and perſons as ſhall be deputed by the King's highneſs by commiſſion under the great ſeal, to compound and agree for the ſaid firſt-fruits, ſhall, at the end

Whoſe acquittance ſhall be ſufficient diſcharge for the firſt-fruits,

An obligation for the firſt-fruits ſhall be of the ſame ſtrength that a ſtatute of the ſtaple is.

of every ſix months next after the date of their commiſſion, and ſo from ſix months to ſix months, deliver or cauſe to be delivered unto the treaſurer of the chamber for the time being, or elſewhere to ſuch commiſſioners as ſhall be appointed as is aforeſaid, to receive the ſame, as well all ſuch money, as all ſuch ſpecialties and bonds as they ſhall have taken for the payment of the ſaid firſt-fruits, by indenture to be made between them and the ſaid treaſurer, or other commiſſioners as is aforeſaid, containing the certainty and number of the ſums of money and ſpecialties, and bonds by them taken and received; (6) and if any perſon or perſons to whom any deputation ſhall be made by commiſſion, to compound and agree for the payment of the ſaid firſt-fruits, their heirs, executors or adminiſtrators, conceal or imbezzle any of the ſaid ſpecialties or bonds taken for the ſure payment of the ſaid firſt-fruits, and do not deliver them according to the tenor of this act, that then every ſuch offender ſhall forfeit that office of deputation, and over that make fine and ranſom at the King's own pleaſure and will.

The penalty of commiſſioners concealing bonds taken for the payment of firſt-fruits.

Whoſo entreth upon his ſpiritual living before compoſition ſhall forfeit double the value of the firſt-fruits.

V. And it is alſo enacted by authority aforeſaid, That if any perſon or perſons, which at any time after the ſaid firſt day of *January* ſhall be nominated, elected, preſected, preſented, collated, or by any other means appointed to any of the dignities, offices, benefices or other promotions ſpiritual before-mentioned, do enter into the actual and real poſſeſſions thereof, or meddle with the profits thereof, before they ſhall have truly ſatiſfied and paid to the King's uſe, the firſt-fruits and profits thereof for one year, or elſe ſhall have agreed or compounded for payment of the ſame at reaſonable days upon good ſureties, in manner and form as by this act is above ſpecified, that then every ſuch perſon and perſons ſo doing and offending, and being thereof convicted by preſentment, verdict, confeſſion or witneſs before the ſaid lord chancellor, or ſuch other as ſhall have authority by commiſſion to compound for the ſaid firſt-fruits and profits as is aforeſaid, ſhall be accepted and taken an intruder upon the King's poſſeſſion; (2) and that they, their executors or adminiſtrators, ſhall pay to the uſe of the King's highneſs, for every ſuch offence, ſo much ſums of money as ſhall amount to the double value of the ſaid firſt-fruits and profits of ſuch dignities, benefices or other ſpiritual promotions wherein they ſhall ſo enter and intrude before the payment of the ſaid firſt fruits and profits for one year thereof, or before due agreement made for the ſame, in manner and form as is above rehearſed.

All firſt fruits payable to other perſons ſhall ceaſe, and be paid to the King. See 32 H. 8. c. 47. ſ. 3.

VI. And be it further enacted by authority aforeſaid, That the firſt-fruits of benefices heretofore accuſtomed to be paid to the biſhop of *Norwich*, within his dioceſe, and to the archdeacon of *Richmond*, within his archdeaconry, or to any other perſon or perſons within this realm, or any other the King's dominions, ſhall from the ſaid firſt day *January* ceaſe, and be extinct, and no longer be paid, but only to the King's highneſs,

highnefs, his heirs and fucceffors, in fuch form as is above mentioned in this aét.

VII. Provided always, That archbifhops and bifhops, and all other having jurifdiction ordinary, may give and deliver letters of inftitution and induction, as they might do before the making of this aét, without any offence of any article contained in this aét; any thing in this aét contained to the contrary thereof notwithstanding.

The bifhops may give inftitution and induction.

VIII. Provided alfo, That where there be divers cells appertaining to monafteries and priories, and that the priors of fuch cells be named, and removeable from time to time, at the only wills and pleasures of their mafters and fovereigns of the monafteries and priories whereunto fuch cells belong; that the priors of fuch cells fhall not be compelled to pay any firft-fruits by virtue or authority of this aét; any thing in this aét contained to the contrary thereof notwithstanding; (2) but that the firft-fruits and profits of every fuch cell fhall be paid to the King's highnefs, his heirs and fucceffors, whensoever and as often as any perfon fhall be nominated, elected, prefected or collated to the monaftery or priory whereunto fuch cells belong.

Priors removeable fhall pay no firft-fruits.

IX. And over this be it enacted by the authority aforefaid, That the King's majefty, his heirs and fucceffors, Kings of this realm, for more augmentation and maintenance of the royal eftate of his imperial crown and dignity of fupreme head of the church of *England*, fhall yearly have, take, enjoy and receive, united and knit to his imperial crown for ever, one yearly rent or penfion, amounting to the value of the tenth part of all the revenues, rents, farms, tythes, offerings, emoluments, and of all other profits as well called fpiritual as temporal, now appertaining or belonging, or that hereafter fhall belong to any archbifhoprick, bifhoprick, abbacy, monaftery, priory, archdeaconry, deanry, hofpital, college, houfe collegiate, prebend, cathedral church, collegiate church, conventual church, parfonage, vicarage, chauntry, free chapel, or other benefice or promotion fpiritual, of what name, nature or quality foever they be, within any diocefe of this realm, or in *Wales*; (2) the faid penfion or annual rent to be yearly paid for ever to our faid fovereign lord, to his heirs and fucceffors, Kings of this realm, at the feaft of the nativity of our Lord God, (3) and the firft payment thereof to begin at the feaft of the nativity of our Lord God, which fhall be in the year of our Lord God 1535. (4) And to be paid yearly by fuch as fhall be appointed to have the collection thereof by this aét, in fuch manner and form as fhall hereafter be limited by this aét, before the firft day of *April* yearly next following after the faid feaft of the nativity of our Lord.

A yearly tenth of all fpiritual livings given to the King.

The tenth muft be paid at Chriftmas.

X. And it is ordained and enacted by authority aforefaid, That the faid yearly rent and penfion fhall be taxed, rated, levied, perceived and paid to the King's ufe, his heirs and fucceffors, in manner and form hereafter to be declared by this aét; that

Commissions fhall be awarded into every diocefe to enquire of the

value of every
ſpiritual
living.

is to ſay, that the chancellor of *England* for the time being ſhall have power and authority to direct into every dioceſe in this realm, and in *Wales*, ſeveral commiſſions in the King's name, under his great ſeal, as well to the archbiſhop or biſhop of every ſuch dioceſe, as to ſuch other perſon or perſons as the King's highneſs ſhall name and appoint, commanding and authoriſing the ſaid commiſſioners ſo to be named in every ſuch commiſſion, or three of them at the leaſt, to examine, ſearch and enquire by all the ways and means that they can by their diſcretions, of and for the true and juſt whole and entire yearly values of all the manors, lands, tenements, hereditaments, rents, tythes, offerings, emoluments and all other profits, as well ſpiritual as temporal, appertaining or belonging to any archbiſhoprick, biſhoprick, abbacy, monaſtery, priory, archdeaconry, deanry, hoſpital, college, houſe collegiate, prebend, cathedral church, collegiate church, conventual church, parſonage, vicarage, chauntry, free chapel, or to any other benefice or promotion ſpiritual within the limits of their commiſſion, (2) with a claufe to be contained in every ſuch commiſſion, that the ſaid commiſſioners, or three of them at the leaſt, ſhall deduct and allow in the making and rating of the ſaid yearly values of the premiſſes theſe deductions following, and none other; that is to ſay, the rents reſolute to the chief lords, and all other annual and perpetual rents and charges, which any ſpiritual perſon or perſons been bounden yearly to pay to any perſon or perſons, to their heirs and ſucceſſors for ever, or to give yearly in alms, by reaſon of any foundation or ordinance, and all fees for ſtewards, receivers, bailiffs and auditors, and ſynods and proxies, with another claufe to be alſo contained in every ſuch commiſſion, that the ſaid commiſſioners or three of them at the leaſt, ſhall certify under their ſeals, at ſuch days as ſhall be limited by the ſaid commiſſions, as well the whole and intire value, as the deductions aforeſaid, of every archbiſhoprick, biſhoprick, abbacy, monaſtery, priory, archdeaconry, deanry, hoſpital, college, houſe collegiate, prebend, cathedral church, collegiate church, conventual church, parſonage, vicarage, chauntry, free chapel, and of all other benefits and promotions ſpiritual.

Deductions to
be defalked
out of ſpiritual
livings.

The commiſſioners ſhall
be ſworn in-
differently to
execute their
commiſſions.

XI. And it is ordained and enacted by authority aforeſaid, That the ſaid commiſſioners that ſhall be ſo appointed, or three of them at the leaſt, ſhall have full power and authority to do, accompliſh and execute the effects and contents of their ſaid commiſſions in every behalf; (2) and that every the ſaid commiſſioners, before they ſhall execute their ſaid commiſſion, ſhall receive and take a corporal oath before the lord chancellor, or before ſuch other as ſhall be appointed by the ſaid chancellor by the King's writ of *Dedimus poteſtatem*, that they ſhall diligently and truly, without favour, affection, fraud, covin, meed, dread or corruption, do, fulfil and execute the whole effects and contents expreſſed in every ſuch commiſſion within
the

the limits thereof, to their cunning, wits, and uttermoſt of their powers.

XII. And it is ordained and enacted by authority aforeſaid, That after ſuch certificate made by the ſaid commiſſioners, the ſaid yearly rent and penſion of the tenth part ſhall be ſet, taxed, rated and taken juſtly and truly and indifferently by the treaſurer, chancellor, chamberlain and barons of the King's exchequer, of and out of the clear yearly value of the premiſſes, that ſhall be above the deductions afore-mentioned, and none otherwiſe. (2) And that every archbiſhoprick, biſhoprick, abbacy, monaſtery, priory, archdeaconry, deanry, hoſpital, college, houſe collegiate, prebend, cathedral church, collegiate church, conventual church, parſonage, vicarage, chauntry, free chapel, or other benefice or promotion ſpiritual, ſhall be ſeverally and diſtinctly taxed, charged and chargeable, in the proper dioceſe where they been, for the payment of ſuch portion of the ſaid tenth part as ſhall be taxed and ſet upon them by authority of this act; that is to ſay, every of them by and for themſelves ſhall be taxed, charged and chargeable in the propet dioceſe where they been, for the tenth part of the yearly value of their poſſeſſions and profits to them belonging, whereſoever their ſaid poſſeſſions and profits ſhall happen to be or lie in any part of this realm, or, elſewhere in any of the King's dominions; (3) and that none of them ſhall be charged or chargeable for the payment of the others charge or portion.

Every ſpiritual perſon ſhall be charged for his tenths in the dioceſe where they be, though their poſſeſſions lie in other dioceſes.

XIII. And it is alſo enacted by authority aforeſaid, That after ſuch certificate made into the King's exchequer, and ſet of the tenth part, in form above remembered, every archbiſhop and biſhop now being, and that hereafter ſhall be, ſhall be charged and chargeable to levy, collect and receive, within their proper dioceſe, as well in places exempt as not exempt, all ſuch ſums of money wherewith the dignities, benefices and other promotions ſpiritual afore mentioned within their dioceſe, chargeable by this act, ſhall be ſet, taxed and charged towards the payment of the ſaid yearly penſion, (2) and ſhall pay and content the ſaid ſums of money yearly, before the ſaid firſt day of *April*, to the treaſurer of the King's chamber for the time being, or to any other perſon or perſons whom it ſhall pleaſe the King's highneſs to appoint to receive the ſame; (3) and that every of the ſaid archbiſhops, and biſhops, their executors and adminiſtrators, and the poſſeſſions of their dignities and churches, ſhall ſtand charged and chargeable for the ſure and true payment of ſuch ſums of money as they ſhall collect and receive of the ſaid yearly rent and penſion.

Biſhops ſhall be charged to the collection of their tenths in their dioceſes.
12 Co. 45.
32 H. 8. c. 47.
34 H. 8. c. 17.
31 H. 8. c. 13.
27 H. 8. c. 28.
By 3 G. 1. c. 10.
the King is to appoint a collector to receive the tenths.

XIV. And that the treaſurer chancellor, chamberlain and barons of the King's exchequer, ſhall yearly cauſe proceſs to be made by their diſcretions for nonpayment of the ſaid penſion or yearly rent, or any parcel thereof, againſt every archbiſhop and biſhop of this realm; that is to ſay, againſt every archbiſhop and biſhop for ſo much part and portion of the ſaid penſion and yearly rent, wherewith the dignities, benefices and other pro-

Proceſs againſt a biſhop for the payment of all tenths within his dioceſe.

promotions spiritual afore mentioned within his diocese shall be taxed and charged; (2) so that every of the said archbishops and bishops shall be charged and chargeable for the rate and portion of the said yearly rent and pension set and taxed within his own peculiar diocese, and not otherwise.

By what means the bishop shall levy the tenths of every spiritual promotion.
32 H. 8. c. 22.

XV. And be it also enacted by authority aforesaid, That every archbishop and bishop shall have power and authority to levy, take and perceive, by authority of the censures of the church, or by distress or otherwise, by their discretion, all such sums of money as shall be rated, taxed and set to go out of the lands, tenements, hereditaments, profits and emoluments of any dignity, office, benefice or other place or promotion spiritual within their diocese, towards the payment of the said yearly rent and pension; (2) and that no replevin, prohibition nor *superfedeas* upon any excommunication, nor any other writ or impediment shall be sued, allowed or obeyed, for any person or persons making default of payment of such part and portion as they shall be rated and taxed unto by authority of this act, till such time as they have truly satisfied their said part and portion to them allotted of the said yearly rent and pension.

Who shall be collectors in time of vacation of a bishoprick.

XVI. And it is also enacted by authority aforesaid, That whensoever and as often as any of the archbishopricks or bishopricks happen to be void, that then the dean and chapter of the cathedral church, or the prior and convent, or chapter or convent of the monastery or cathedral church, where the see of such archbishoprick or bishoprick being void shall happen to be, during the time of the vacation thereof, and their executors, administrators and possessions, shall be charged and chargeable to do and cause to be done all and every thing and things for the due execution of this act, within the diocese of such archbishoprick or bishoprick being void, as the same archbishop or bishop of the see, being void, should have done, according as it is limited and appointed by this act, or by any thing therein contained.

The penalty for default of payment of tenths.
1 El. c. 4.
Moor 541. pl.
714.

XVII. And it is ordained and enacted by authority aforesaid, That if any sum of money being once due by any incumbent of any the dignities, benefices or promotions spiritual afore specified, charged to the payment of the said yearly pension and annual rent, be reasonably demanded and required any time after the said feast of the nativity of our Lord, at their dignities, monasteries, priories, hospitals, colleges, churches, chauntries or houses, by the archbishop or bishop, or such as shall be charged with the collection of any part of the said pension, or by any other their ministers, servants or officers, to pay such portion of the said pension and yearly rent, as they shall be taxed and assessed unto, be not truly contented and paid unto such archbishop or bishop, or their ministers and officers, and to such other person or persons, or their ministers or servants, as shall have the charge of collection thereof every year yearly, at the time of such request and demand thereof, or else within forty days next after every such request at the farthest; that then

then every incumbent making ſuch default of payment, after ſuch default thereof certified into the King's exchequer in writing under the ſeals of any archbiſhop or biſhop, or of ſuch as be limited and charged to the collection of the ſaid penſion by this act, ſhall be adjudged deprived *ipſo facto* of all ſuch dignities, benefices, penſions and promotions ſpiritual, as any ſuch incumbent, making ſuch default, ſhall have at the time of ſuch certificate to be made, or at any time after; (2) ſo that all ſuch dignities, benefices, penſions and promotions ſpiritual, which any incumbent, making ſuch default of payment, ſhall have at the time of any ſuch certificate to be made, or at any time after, ſhall be clearly void and deſtitute of incumbent in the law, to all intents and purpoſes, as if ſuch incumbent, making ſuch default of payment, were dead indeed.

Altered by a
& 3 Ed. 6. c. 20.
f. 3.

XVIII. And it is ordained and enacted by authority aforeſaid, That if any archbiſhop or biſhop, or any other, limited and charged by this act to the collection and payment of the ſaid penſion and annual rent, do make a certificate unto the King's exchequer before the ſaid firſt day of *April*, or at any time within four and twenty days next after the ſaid firſt day of *April*, that they according to this act have reaſonably required and demanded any incumbent of any dignity, benefice or promotion ſpiritual, chargeable by this act, to pay ſuch part or portion of the ſaid penſion and annual rent, as they ſhall happen to be aſſeſſed unto, and that ſuch incumbent, ſo being required, hath not paid his ſaid part and portion according to the form and effect of this act; that then every ſuch archbiſhop and biſhop, and every other perſon having the charge by this act for collection and payment of the ſaid penſion and annual rent, upon every ſuch certificate, ſhall be diſcharged and acquitted for ever againſt the King, his heirs and ſucceſſors, of and for all ſuch ſums of money as any ſuch incumbent, againſt whom ſuch certificate ſhall be made, ſhould or ought to have paid by this act; (2) and that then in every ſuch caſe the treaſurer, chancellor, chamberlain and barons of the King's exchequer, ſhall deviſe and direct, upon every ſuch certificate, ſuch proceſs out of the King's exchequer againſt every ſuch incumbent, againſt whom any ſuch certificate ſhall be made, and their executors and administrators, or for inſufficiency of them, againſt the ſucceſſors of every ſuch incumbent, whereby the King's highneſs, his heirs and ſucceſſors, ſhall and may be truly answered, paid and contented of ſuch portion and part as the incumbent againſt whom any ſuch certificate ſhall be made, was taxed and aſſeſſed for his dignities, benefices or promotion ſpiritual chargeable by this act.

The biſhop making a certificate of any incumbent omitting to pay his tenths, ſhall be diſcharged thereof.
7 Ed. 6. c. 4.
Savil 1.

Proceſs ſhall be awarded againſt the reſuſers to pay their tenths.

XIX. And it is alſo ordained and enacted by authority aforeſaid, That all manner of acquittances made by the treaſurer of the King's chamber, or by any other ſuch commiſſioners as ſhall be appointed as is aforeſaid, to receive the ſaid penſion, or any part thereof, and ſubſcribed with the name of the ſaid treaſurer, or any other ſuch commiſſioner, for the payment of the

Whoſe acquittances ſhall be a diſcharge for the payment of the tenths.

said pension or annual rent, or any part thereof, to any such person or persons as be limited and charged with the collection thereof, shall be of as good strength, force, virtue and effect to the parties having the same, as if they were made in the King's name, under his great seal, and so shall be allowed, admitted and accepted in all courts of this realm; (2) and that the treasurer, chancellor, chamberlain and barons of the King's exchequer, shall, by virtue and authority of this act, as well admit and allow such acquittances, as all such certificates as shall be made against any incumbent for default of payment, as is above said, upon the account of every archbishop and bishop, and of every other person limited and charged by this act for the collection and payment of the said pension and annual rent, without any writ, bill or warrant, to be sued in or for that behalf.

Nothing shall be taken in the exchequer of a bishop or his collector for his account or *quietus est*.
Saxil 38.

XX. And that no manner of officer of the King's exchequer shall take of any archbishop or bishop, or of any other person having charge with the collection and payment of the said pension or annual rent, any manner reward or thing for making their account or *quietus est* in the same exchequer, or for any manner of thing appertaining to the same, concerning the said pension and annual rent, upon pain of every officer, doing contrary to this act, to lose and forfeit his office, and make fine to the King at his will and pleasure.

They which pay pensions to others out of their spiritual living may retain the tenth part thereof.

XXI. And forasmuch as every incumbent of the dignities, benefices and promotions spiritual afore mentioned shall be charged by this act to the payment of the tenth part of the value of their dignities, benefices and promotion spiritual, without any deduction or allowance of such pension or pensions, wherewith some of them been charged to pay to their predecessors during their lives, or to other persons to the use of such their predecessors during their lives: (2) it is therefore ordained and enacted by authority aforesaid, That it shall be lawful to every incumbent charged with any such pension payable to any his predecessors, or to any to his use, to retain and keep in his hand the tenth part of every such pension; (3) and that every such incumbent and his sureties shall from henceforth be acquitted and discharged of the said tenth part of every such pension, by virtue and authority of this present act; any decree, ordinance or assignment of any ordinary, or any collateral writing or security made for such pension to any spiritual person or persons, or to any to their uses for term of their lives, in any wise notwithstanding; (4) and that as well every incumbent, as such persons as stand bound for him for payment of any such pensions, shall plead this act in every of the King's courts, for the clear extinguishment and discharge of the tenth part of every such pension.

No pension shall be reserved upon the resignation of a benefice, above the value

XXII. And be it also ordained and enacted by authority aforesaid, That no pension shall hereafter be assigned by the ordinary, or by any other manner of agreement, by collateral surety, or otherwise, upon any resignation of any dignity, benefice or promotion spiritual, above the value of the third part of the dig-

dignity, benefice or promotion spiritual resigned: (2) and if any pension amounting above the value of the third part of the dignity, benefice or promotion spiritual heretofore resigned, be already limited and made sure to any spiritual person or persons, by decree of the ordinary, or otherwise by any collateral surety, or hereafter shall happen to be assigned and made sure to any person or persons spiritual, or to any other to their use, by decree of the ordinary, or by any other collateral surety, upon any resignation thereof; yet nevertheless the incumbent charged with such pension, nor his sureties collateral, shall not be compelled to pay any more pension than the value of the third part of his dignity, benefice or promotion spiritual so resigned shall amount unto; (3) but shall by authority of this act be clearly acquitted and discharged of so much of the said pension as shall amount above the value of the third part of the dignity or benefice resigned; any decree or assignment of the ordinary, or any collateral writings or sureties heretofore made, or hereafter to be had or made for the same, to the contrary thereof notwithstanding.

of the third
part. 13 El.
c. 20.

XXIII. *And forasmuch as divers abbots and priors been charged to pay great pensions to sundry their predecessors yet living, to the great decay of their hospitalities and housekeeping;* be it enacted by authority aforesaid, That every such predecessors of such abbots or priors, having any pension made sure unto them, or to any to their use, during their lives, amounting above the yearly value of xl. li. shall from henceforth be defalked and abated of the moiety and half-deal of every such pension; (2) and that every abbot, and all other persons charged for the payment of such pension above the said yearly value of xl. li. shall be clearly acquitted and discharged by authority of this act of the moiety and half-deal thereof for ever; any decree or assignment thereof by the ordinary, or any writing or surety collateral had or made for the surety thereof notwithstanding.

Abbots or priors paying pensions to their predecessors.

XXIV. *And forasmuch as the lord prior of Saint John's of Jerusalem in England, and his brethren, be not specially named and expressed in this act, whereby ambiguity might arise, whether they should be comprised within the limits of this act;* it is therefore for plain declaration thereof enacted by authority aforesaid, That every person and persons which after the said first day of January shall happen to be nominated, elected, collated, or by any other means appointed, to the dignity of the said prior of Saint John's of Jerusalem in England, or to any commandry appertaining unto the same, shall before their actual and real entry into the same dignity or commandry, or meddling with the profits thereof, satisfy and pay to the use of the King's highness, his heirs and successors, the first-fruits and profits thereof for one whole year, or agree or compound for the same at reasonable days, in like manner and form, and upon like pain in every behalf, as archbishops and bishops and other spiritual persons be bound to do by virtue and authority of this act: (2) and that also the prior of St. John's now being, and his successors, and every of his brethren having any commandry, and their

The prior of St. John's of Jerusalem shall pay first-fruits and tenths.

their fucceffors, fhall contribute and pay yearly to the King's highnefs, his heirs and fucceffors, one yearly rent and penfion amounting to the tenth part of all their poffeffions and profits, as well fpiritual as temporal, and fhall be charged, rated, taxed and fet to the contribution and payment of the faid tenth part; (3) and that alfo the faid tenth part fhall be levied, collected and paid, in fuch like manner and form, to all intents and purpofes, as the tenth part of other dignities and benefices fpiritual fhall be charged, taxed, fet, levied, collected and paid by authority of this act.

They which in one corporation have feveral poffeffions belonging to their dignities, fhall pay for their own poffeffions, and not for others.

XXV. *And forasmuch as in sundry and many cathedral churches colleges and hospitals of this realm, there is, and time out of mind hath been, certain ordinances instituted and made, whereby the dean, provost, master, or other chief governor of such churches, colleges and hospitals, hath a certain part and portion of the poffeffions and profits belonging to such churches, colleges and hospitals, all-only limited and belonging to their offices and dignities; (2) and every prebendary, brother, vicar, fellow, petit canon, and other minifters fpiritual, in such churches, colleges and hospitals, hath another portion, all only and diftinctly limited, appertaining and belonging to their dignities and offices in such churches, hospitals and colleges: (3) it is therefore provided and ordained by authority aforefaid, That fuch perfon and perfons which at any time after the faid firft day of January fhall be nominated, elected, prefented, perfected, collated, or by other means appointed to be dean, provost, master, or other chief governor of fuch cathedral churches, colleges or hospitals, fhall be rated, compound and pay, for their firft-fruits, but only after the rate of the yearly value of the poffeffions and profits limited and belonging to their office and dignity.*

XXVI. And that every other perfon and perfons, that after the faid firft day of January fhall be nominated, elected, prefented, perfected, collated, or by any other means appointed to have any prebend, brotherfhip, fellowfhip, or to be any vicar or petit canon, or to have any other dignity or office fpiritual in any fuch cathedral churches, colleges or hospitals, fhall be rated, compound and pay, for their firft-fruits, after the rate of the yearly value of the poffeffions and profits limited and belonging to their dignities and offices, in fuch churches, colleges and hospitals, and none otherwife; any thing in this act to the contrary hereof in any wife notwithstanding.

No firft-fruits fhall be paid for a benefice being not above the yearly value of eight marks. Altered by 1 El. c. 4. l. 29.

XXVII. Provided always, That fuch perfon or perfons, that after the faid firft day of January fhall be prefented or collated to any parfonage or vicarage, whereof the yearly value fhall not exceed viij. marks, fhall not be compelled to pay any firft-fruits for any fuch parfonage or vicarage whereunto they fhall be prefented or collated, not being above the faid yearly value of viij. marks; except that the incumbent prefented or collated to fuch parfonage or vicarage, whereof the yearly value fhall not exceed viij. marks, do live three years next and immediately following after his institution, induction or collation to fuch parfonage or vicarage; (2) and if fuch incumbent do live after the

faid

said three years, then he or his executors or administrators, shall pay, at days to be limited after the said three years, upon sureties (as is aforesaid) the first-fruits of every such parsonage or vicarage: (3) and that in every obligation to be made by any incumbent of such parsonage or vicarage, and his sureties, for payment of the first-fruits of such parsonage or vicarage, there shall be contained a proviso, That if the said incumbent die within three years next after the date of the institution, induction or collation of the said parsonage or vicarage, that then the obligation shall be void and of none effect, any thing in this act to the contrary hereof notwithstanding.

A proviso in the obligation, if the incumbent die within three years.

XXVIII. And over this where the clergy of the province of Canterbury, in their convocation, have granted unto the King's highness one hundred thousand pounds, and the clergy of the province of York eighteen thousand eight hundred forty pounds ten pence, to be paid by even portions in five years, and that which could not be levied thereof in the same five years, to be paid in the sixth year, as by the tenor of their several grants thereof made in their several convocations more plainly appeareth: (2) it may please the King's majesty of his excellent goodness, in consideration that the said yearly pension and annual rent shall be yearly from henceforth duly paid and satisfied to his Highness and to his heirs and successors, according to the tenor, form, purport and effect of this present act, that it may be enacted by authority of this present parliament, That the clergy of the said province of Canterbury, and every of them, shall be discharged and acquitted against our said sovereign lord, his heirs and successors, of and for the twenty thousand pound, parcel of the said hundred thousand pound, which should be paid in the fifth year of payment limited by their grant: (3) and that the clergy of the said province of York shall likewise be discharged and acquitted of and for all such sums of money, parcel of the said eighteen thousand eight hundred forty pounds and ten pence, which should be paid in the fifth year of payment limited by their grant; any thing in their said several grants thereof made in any wise notwithstanding.

How much the clergy of the two provinces of Canterbury and York shall be yearly discharged of, and wherefore.

XXIX. Provided always, That all the residue of sums of money, which be yet to be paid, and not released nor discharged by this act, shall be truly paid and satisfied to our said sovereign lord, his heirs and successors, according to the tenor, form and effect of their said several grants.

XXX. Provided also, That all such fees, which any archbishop, bishop, abbot, prior or other prelate of the church is bounden yearly to pay to any chancellor, master of the rolls, justices, sheriffs or other officers or ministers of record, for temporal justice to be done or ministered within their diocese or jurisdictions, shall be allowed and deducted by the commissioners aforesaid, in and upon the valuation of the dignities, monasteries, priories or churches chargeable with such fees; any thing in this act to the contrary hereof notwithstanding.

Fees which any prelate is bound to pay for temporal justice.

26 H. 8. c. 17.
27 H. 8. c. 8.
32 H. 8. c. 12.
2 & 3 Ed. 6. c. 20.
7 E. 6. c. 4.
1 Eliz. c. 4.

Y 3

CAP.

CAP. IV.

For jurors in Wales.

WHERE *for lack of diligent and ſure cuſtody of jurors ſworn for trials of murderers, felons and accessories of felonies and murders in Wales and the marches of the ſame, divers adherents, friends and kinsfolks to ſuch offenders, have reſorted to the ſame jurors, and have ſuborned them to acquit divers murderers, felons and accessories, openly and notoriously known, contrary to equity and juſtice:* (2) it is therefore enacted by the King our ſovereign lord, and the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by the authority of the ſame, That forthwith, upon the charge given to any inqueſt hereafter to be taken and ſworn before any juſticer, ſteward, lieutenant, or other officer within *Wales* or the marches of the ſame, of, for and upon any traverse againſt the King, or the trial of any recognizance broken, or any other forfeiture forfeited to the King, or of, for and upon the trial of any murderer, felon or accessory of felony or murder, one officer or other perſon ſhall be deputed and ſworn in the preſence of the ſaid juſticer or other officer, for the true and diligent keeping of the ſame jurors; (3) and that the ſame officer or other perſon ſo ſworn, without the ſpecial commandment of the ſaid juſticer or other officer, ſhall not do, or ſuffer to be miniſtered, to the ſame jurors, any bread, drink, meat, fire or light, nor ſhall ſuffer the ſame jurors to ſpeak to any perſon or perſons; (4) nor the ſame officer or other perſon ſworn, without the commandment aforeſaid, ſhall not ſpeak to the ſaid jurors, but only to demand of them of their agreement; unto ſuch time as the ſame jurors ſhall have given their verdict; any uſage or cuſtom heretofore uſed to the contrary notwithstanding; (5) and if the ſame officer, or other perſon ſo ſworn in form aforeſaid, do not execute and accompliſh the premiſſes in the oath before rehearſed in every point and article, then the ſame officer, or other perſon ſo ſworn, ſhall be puniſhed and impriſoned, and make fine and ranſom to the King's highneſs, by the diſcretion of the ſaid juſticer, ſteward, lieutenant or other officer.

II. And alſo be it enacted by the authority aforeſaid, That if the ſame jurors do acquit any ſuch felon, murderer or accessory, upon whoſe trial they ſhall be charged, or give any untrue verdict againſt the King, upon the trial of any traverse, recognizance or other forfeiture, contrary to good and pregnant evidence miniſtered to them by perſons ſworn before the ſaid juſticer, ſteward, lieutenant or other officer, or that the ſaid jurors, or any of them, do eat, drink or ſpeak to or with any other perſon or perſons than to ſuch as be ſworn with them, or otherwiſe miſdemean themſelves after they be ſworn, and before they have given their verdict, that then the lord preſident, and other of the council of the marches for the time being, upon notice or complaint thereof to them made, ſhall not only have power and authority by this preſent act to call ſuch jurors before them,

How an officer ſworn for the keeping of jurors in Wales ſhall demean himſelf.

The penalty of jurors in Wales committing perjury, or otherwiſe miſdemeaning themſelves.
Vaughan 150,
151.

them, (2) but alſo the ſame juſticer, ſteward or other officer, afore whom any ſuch acquittal, untrue verdict or miſdemour ſhall happen to be made, ſhall have full power and authority to compel ſuch jurors, and every of them, upon pain of imprisonment, to be bounden by recognizance in a certain ſum of money, by their diſcretion to be limited, that the ſame jurors, and every of them, ſhall perſonally appear at a certain day, by the ſame juſticer, ſteward or other officer, to be limited, before the lord preſident, and other of the council aforeſaid for the time being, then and there to abide and ſtand to ſuch direction and order as the ſame council ſhall make, ordain and decree, of, in and upon the ſame; (3) and that the ſame council ſhall thereupon have authority and power, by examination or otherwiſe, to hear and determine all and every ſuch cauſe, and ſhall have like authority to commit every of the ſame jurors to priſon or other puniſhment, as ſhall be thought moſt meet by the diſcretion of the ſaid council, or otherwiſe aſſeſs or tax every ſuch juror to his fine or ranſom by the ſame diſcretion, to be paid and levied of their lands, goods and chattels, to the uſe of the King's highneſs.

CAP. V.

For the paſſage over the Severn.

FORASMUCH as daily divers felonies, robberies and murders been many times committed and done in the counties of Glouceſter and Somerſet in the parts near adjoining unto the water called the water of Severn, between England and South-Wales, and after ſuch murders and felonies done, the ſaid robbers, felons and murderers, with the ſaid goods ſo robbed and ſtolen, make their conveyance with the ſaid goods ſo ſtolen, by night, at divers paſſages or ferries over the ſaid river or water, as the paſſages of Auſte, Fremeland, Pyrtton, Arlingham, Newenham, Portſedes, Poynte, and all ſuch other like paſſages over the ſaid river into South-Wales, or into the foreſt called the foreſt of Dean, alſo adjoining to the ſame water; (2) and when they be over the ſaid water, then the goods ſo ſtolen, be by divers privileges there kept, albeit the owner and owners have true and perfect knowledge thereof, yet they ſo robbed and ſpoiled be without remedy for to obtain their ſaid goods ſo ſtolen; (3) ſo that the ſecret and ſudden conveyance by night of the ſaid goods over the ſaid ferries and paſſages, doth not only greatly encourage divers perſons to come out of the parts of South-Wales, to ſteal, rob and murder divers perſons in their houſes in the ſaid counties joining upon the ſaid borders of Wales, but alſo cauſeth many robberies and felonies in ſundry ways to be committed and done upon the ſaid border near adjoining to the ſame river, to the great damage and hurt of the King's ſubjects inhabiting there, unleſs ſome remedy therefore be provided: (4) it may therefore pleaſe the King our ſovereign lord, and the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, by the authority of the ſame to enact, That every perſon or perſons taking upon him or them to have and keep any of the ſaid paſſages, or any other paſſages upon

The penalty for transporting offenders into or forth of Wales at unlawful times.

upon *Severn* aforeſaid, from henceforth do not convey, neither carry with any manner barge, boat or other veſſel, any perſon or perſons with horſes, mares, oxen, kine or any other cattle, nor no other perſon or perſons, before the time of the ſun riſing in the morning, and after the time of the ſun being gone down at night, (5) upon pain of imprisonment and fine to be ſet on him that ſhall ſo convey or carry over any of the ſaid paſſages over the ſaid river of *Severn* out of *England* into *Wales* or the *forest of Dean*, or out of *Wales*, or the ſaid *forest of Dean*, into *England*, unleſs the ſaid paſſengers and every of them, have good knowledge of ſuch perſon and perſons and of their dwelling-places; (6) and upon requeſt to them made by any perſon or perſons, to diſcloſe the name and the dwelling-place of every ſuch perſon or perſons ſo by them conveyed over the ſaid water, to any ſuch perſon or perſons requiring the ſame, if ſuit be made for and after them upon any outcry, huy or freſh ſuit, of or for any felony, robbery, murder and manſlaughter, committed and done from henceforth.

Keepers of ferries ſhall be bound to transport no offenders at unlawful times.

II. And that the King's juſtices of the peace within every of the ſaid counties of *Gloceſter* and *Somerſet*, at their quarter-ſeſſions, ſhall have full power and authority to call before them all ſuch perſons which hereafter ſhall keep any of the ſaid paſſages, or any other ferry or paſſage over the ſaid water into *Wales* or the ſaid *forest*, or out of *Wales* or the ſaid *forest* into *England*, and to bind them with ſufficient ſureties with them in recognizance in ſuch ſums of money as it ſhall ſeem to the diſcretion of the ſaid juſtices of peace, that they and every of them, being paſſengers and keepers of ferries and paſſages as is aforeſaid, from henceforth ſhall not, after the ſaid times before limited and appointed, convey or carry, or cauſe to be conveyed or carried, any manner of perſon or perſons or any kind of cattle, but ſuch perſons as they do know and will answer for, and know where their abidings, dwellings and habitations be, and upon requeſt made to them, or any of them, as is aboveſaid; ſhall from time to time diſcloſe, as well the ſame perſon or perſons, as the goods and chattels ſo paſſing the ſaid paſſages, upon freſh ſuit made or hereafter to be made upon any felony, murder or robbery committed and done in the borders of the counties aforeſaid, or in any other place within this realm or *South-Wales*.

CAP. VI.

The bill concerning councils in Wales.

Murders, felonies, &c. in Wales to be inquired of in the ſhires next adjoining, &c. Cro. Car. 331. Mod. caſes in law 136.

The long perſeverance in wickedneſs of

FORASMUCH as the people of *Wales* and marches of the ſame, not dreading the good and whoſom laws and ſtatutes of this realm, have of long time continued and perſeſvered in perpetration and commiſſion of divers and manifold thefts, murders, rebellions, wilful burnings of houſes and other ſclerous deeds and abominable malefaſts, to the high diſpleaſure of God, inquietation of the King's well-diſpoſed ſubjects, and diſturbance of the publick weal, which malefaſts and ſclerous deeds be ſo rooted and fixed in the ſame people, that they be not like to ceaſe, unleſs ſome ſharp correction and puniſhment for redreſs and amputation

tion of the premisses be provided, according to the demerits of the offenders: (2) be it therefore enacted by the King our sovereign lord, and the lords spiritual and temporal, and the commons, in this parliament assembled, and by authority of the same, That all and singular person and persons dwelling or resident within *Wales*, or in the lordships marchers of the same, from time to time, and at all times hereafter, upon such monition or warning given for the court to be kept in *Wales*, or in any of the lordships marchers aforesaid, as before this time hath been used, shall personally repair, resort and appear before the justice, steward, lieutenant or other officer, at all and every sessions, court and courts, to be holden before the same justice, steward or other officer, in any whatsoever castle, fortress or other place within *Wales*, or within the precincts, limits and jurisdictions of every the lordships marchers or seigniories aforesaid, or the marches of the same, as by the said justice, steward or other officer shall be appointed; (3) and then and there shall give his or their personal attendance, to do, execute and accomplish all and every thing and things which to him or them shall appertain, upon pain of such fines, forfeitures and amerciaments as shall be assessed, assessed and taxed by the justice, steward or other officer, to the King's use, if it be within any of the King's lordship's marchers; (4) and if it be within any other lordships marchers, then to the use of the lord of the said lordship marcher for the time being; (5) the said forfeitures and amerciaments to be levied, perceived and taken by way of distress of the goods and chattels of every person not appearing at the said court or courts, or not doing, executing or accomplishing his duty as is abovesaid.

some lowd people in *Wales*, and the marches thereof. All persons shall appear, upon lawful summons given, before the justices in the courts in *Wales*.

II, *And forasmuch as the officers in the lordships marchers in Wales have often and sundry times heretofore unlawfully exacted of the King's subjects within such lordships where they have had rule or authority, by many and sundry ways and means, and also committed them to strait duress and imprisonment for small and light feigned causes, and extortiously compelled them thereby to pay unto them fines for their redemptions, contrary to the law:* (2) therefore be it further enacted, That if any steward, lieutenant or any other officer of any lordship marcher, do feign, procure or imagine any untrue surmise against any person or persons that shall so give their personal attendance before them at such court or courts, and upon the same untrue surmise commit them to any duress or imprisonment, contrary to the law, or contrary to the true and laudable custom of that lordship, that then upon suit made unto the King's commissioners, or council of the marches for the time being, by any such person or persons so imprisoned, or by any of their friends, that then the same commissioners or council shall have full power and authority to send for such steward, lieutenant or officer, and also for the person or persons so imprisoned; (3) and if the same person or persons so imprisoned, can evidently prove before the said council, by good and substantial witness or otherwise, that his imprisonment was upon any feigned surmise, without cause reasonable or lawful, that

Wrongs done by officers in lordships marchers.

Untrue surmises feigned against them which appear, to imprison them.

then the same commissioners shall have full power and authority to assess the said officer, to pay to the said person or persons wrongfully imprisoned, vi. s. viij. d. for every day of their imprisonment or more, by the discretions of the said commissioners, according to the hurts and behaviour of the person or persons imprisoned.

The party's
remedy a-
gainst the offi-
cer which doth
imprison him
upon feigned
surmises.

III. And that the same commissioners shall set further fine upon the said officer, to be paid to the King's use, as by their discretions shall be thought convenient; (2) and in case the same officer do refuse to appear before the same commissioners incontinent after any commandment to them directed and delivered after any such complaint made to the same commissioners, that then the same commissioners shall have full power and authority, upon every default made by any officer or officers, to assess and set upon every such officer or officers making default, such fine or fines to be levied to the King's use, as by their discretions shall be thought convenient; (3) and that the same commissioners shall have full power and authority to compel the said officer or officers by way of imprisonment, as well to pay such fines as shall be set and taxed upon them to the King's use, as to pay unto every person or persons so imprisoned, such sums of money as they shall be assessed to pay for their wrong imprisonment.

No weapon
shall be
brought to
courts, fairs or
churches in
Wales.

4 H. 4. c. 27 &
29.

IV. And be it also enacted by authority aforesaid, That no person or persons dwelling or resident within *Wales* or the lordships marchers of the same, of what estate, degree or condition soever he or they be of, coming, resorting or repairing unto any sessions or court to be holden within *Wales*, or any lordships marchers of the same, shall bring or bear, or cause to be brought or borne to the same sessions or court, or to any place within the distance of two miles from the same sessions or court, nor to any town, church, fair, market or other congregation, except it be upon a hute or outcry made of any felony or robbery done or perpetrated, nor in the highways, in affray of the King's peace, or the King's liege people, any bill, long-bow, cross-bow, hand-gun, sword, staff, dagger, halbert, morespike, spear or any other manner of weapon, privy coat or armour defensive, (2) upon pain of forfeiture of the same weapon, privy coat or armour, and to suffer imprisonment and make fine and ransom to the King's highness by the discretion of the King's commissioners of his marches for the time being, except it be by the commandment, licence or assent of the said justices, steward or other officer, or of the commissioners or council of the marches for the time being.

None shall le-
vy any exac-
tions, or com-
morths, or
collections, or
make games
in *Wales*.

V. And that no person or persons from henceforth, without licence of the said commissioners in writing, shall within *Wales*, or the marches of the same, or in any shires adjoining to the same, require, procure, gather or levy any commorth, bydale, tenants ale, or other collection or exaction of goods, chattels, money, or any other thing, under colour of marrying, or suffering of their children saying or singing their first masses or gospels,

As, of any priests or clerks, or for redemption of any murder, any other felony, or for any other manner of cause, by what name or names soever they shall be called; (2) nor shall make or procure to be made any games of running, wrestling, leaping, or any other games, (the game of shooting only excepted and foreprised,) (3) upon pain of one whole year's imprisonment of every person or persons as shall gather, or procure to be gathered, any such collection or exaction, or shall make or procure to be made any games as is aforesaid; (4) and further, they and every of them shall make such fine as by the discretion of the King's commissioners of his marches shall be thought convenient: (5) and further, the said commissioners by this present act shall have power and authority to hear and determine the said offences by their examination; (6) and that no person or persons shall hereafter at any time cast any thing into any court within *Wales*, or in the lordships marchers of the same, by the mean or name of an arthel, by reason whereof the court may be letted, disturbed or discontinued for that time, upon pain of one whole year's imprisonment of any such person or persons as shall cast or cause to be cast any such arthel into any court or courts hereafter to be holden within *Wales* or the lordships marchers of the same; any custom before this time used to the contrary notwithstanding.

VI. And that all sessions and courts hereafter to be holden within *Wales*, or the lordships marchers of the same, shall be kept within the most sure and peaceable place within the same lordship marcher, where the said justice, steward, or other officer shall appoint; (2) and for the punishment and speedy trials, as well of the counterfeits of any coin current within this realm, washing, clipping or minishing of the same, as of all and singular felonies, murders, wilful burning of houses, manslughters, robberies, burglaries, rapes and accessaries of the same, and other offences feloniously done, perpetrated and committed, or hereafter to be done, perpetrated and committed, within any lordship marcher of *Wales*: (3) be it enacted by the authority aforesaid, That the justices of the gaol-delivery and of the peace, and every of them for the time being, in the shire or shires of *England* where the King's writ runneth, next adjoining to the same lordship, marcher, or other places in *Wales*, where such counterfeiting, washing, clipping or minishing of any coin current within this realm, or murder hath been, or hereafter shall be committed or done, or where any other felonies or accessaries shall be hereafter committed, perpetrated or done, shall have from henceforth full power and authority at their sessions and gaol-delivery, to enquire by verdict of twelve men of the same shire or shires next adjoining within *England* where the King's writ runneth, there to cause all such counterfeits, washers, clippers of money, felons, murderers and accessaries to the same, to be indicted according to the laws of this land, in like manner and form as if the same petit treasons, murders, felonies and accessaries to the same had been done, committed or perpetrated within any of the said shires within

No arthel shall be cast into any court.

All courts shall be kept within most sure places.

Indictment in the next county for a felony committed within any lordship marcher.
27 H. 8. c. 26.
34 & 35 H. 8. c. 26.
Rex v. Athoe, Trin. 9 Geo. 1. in B.R.

within the faid realm, and alfo to hear, determine and judge the fame, according to the laws of this realm.

Acquittal in
lordships
marchers no
bar.

VII. And that all foreign pleas pleaded by any of the faid malefactors and offenders, fhall be tried and determined in the faid fhire or fhires; (2) and that the acquittal or fine making for any of the caufes aforefaid in any of the lordships marchers, fhall be no bar for any perfon or perfons, being indicted in the faid fhire or fhires, within two years next after any fuch murder or felony done.

Justices may
award procefs
unto lordships
marchers.

VIII. And further it is enacted, That the faid justices of peace and gaol-delivery, and every of them, fhall have full power and authority to award all manner of procefs as well of outlawry as otherwife, againft all and every fuch offender and offenders fo indicted in manner and form, and according to the customs and laws ufed and accuftomed within this realm of *England*; (2) and that the faid justices or two of them, afore whom any fuch offender fhall happen to be outlawed, or attainted by outlawry, fhall immediately upon the fame outlawry or attainder, direct and fend unto the King's officers of his lordships marchers or to their deputies, or unto the lord or lords marchers of the fame lordship marcher or to his or their officer or officers or to their deputies, wherein fuch offence, murder or felony fhall happen to be done, or where any fuch offender, murderer or felon fhall happen to be refiant, a certificate under the feals of them or two of them, of any fuch outlawry or attainder; (3) commanding them and every of them by the fame, under pain of forfeiture of a hundred pounds to the King, to be levied and perceived as well of the goods, chattels, lands and tenements of the fame lord or lords marchers, as of the goods and chattels, lands and tenements of the King's officer there to apprehend and attach, or caufe to be apprehended and attached, the body or bodies of the fame offender or offenders fo outlawed or attainted, and fafely to keep, or caufe to be kept, the fame offender or offenders, till fuch convenient time before the next feflions of the King's justices of the gaol-delivery of the fhire where fuch offender or offenders fhall happen to be outlawed or attainted, as to the King's officers of his lordships marchers, or to their deputies, or unto the lord marcher or lords marchers of the fame lordship marcher, or his or their officer or officers, or their deputies, where fuch offender or offenders fhall be apprehended, attached, detained and kept, fhall be thought expedient for the conveyance and conducing of the fame offender or offenders, (4) in manner and form following, to be delivered from the King's officers or their deputies, or the lord marcher or the lords marchers, or his or their officer or officers, to other perfons affigned by this act to receive and convey fuch offender or offenders, by indenture to be made between the deliverer or deliverers, and the receiver or receivers, that is to fay, that the King's officers of his lordship marcher, or their deputies, or the lord or lords marchers of the lordship marcher, or his or their officer

A certificate
of an outlaw-
ry to a lord-
ship marcher,
&c.

By what
means an of-
fender fhall be
conveyed
from one lord-
ship marcher
to another.

or officers, or their deputies, where such offender or offenders shall be apprehended, attached, detained and kept, shall safely and surely conduct and convey, or cause to be conducted and conveyed, the same offender or offenders, to the next lordship marcher toward the shire where the same offender or offenders shall happen to be outlawed or attainted; (5) and that the King's officers of the same lordship marcher, or their deputies, or the lord or lords marchers of the same lordship marcher, or his or their officer or officers, or their deputies, shall receive, and safely and surely conduct and convey the same offender or offenders to the next lordship marcher; (6) and so the King's officers of every lordship marcher, or their deputies, or the lord or lords marchers of the same lordship, or his or their officer or officers, or their deputies, to receive, conduct and convey safely and surely, every such offender or offenders from one lordship marcher to another lordship marcher, by indenture, as is aforesaid, unto the time that such offender or offenders shall be safely delivered before the said justices of the gaol-delivery; (7) upon pain of forfeiture by every of the King's officer or lord marcher, by whose default the same offender or offenders shall ne may not appear before the same justices at their said sessions, there to stand and abide the order of the King's laws, C. li. to be levied and perceived of the goods and chattels, lands and tenements of the same officer or lord, to the King's use.

IX. And that all and every officer and officers, lord and lords, or other persons to whom any certificate shall be directed as is aforesaid, shall at the next sessions and gaol-delivery to be holden after the apprehension or attachment of such offender or offenders, return the same certificate in due form, and what he or they have done in that behalf, upon the pain aforesaid; (2) saving alway to all and every offender and offenders, all and singular traverses, challenges, exceptions, advantages, and all other pleas, to, of, and upon the outlawry pronounced or promulged against the same offender or offenders, in manner and form as is and hath been used and accustomed by the laws of this realm for any the King's subjects dwelling within the same realm.

The officer shall return his precept.

All advantages saved to the offenders.

X. Provided always, and be it enacted by the authority aforesaid, That if any person or persons which shall happen hereafter to be indicted, outlawed, arraigned, convicted or attainted by force of this act, do find such sufficient sureties before the King's justices of the gaol-delivery as by their discretions shall be thought convenient, that the same person or persons shall not from thenceforth commit nor do any felony, murder or felonious offence, nor be accessory to any felony, murder or felonious offence, but at all times from thenceforth shall be of good behaviour against the King our sovereign lord, his heirs and successors, his and their laws and subjects, that then the same justices of gaol-delivery for the time being, with and by the assent, consent and agreement of the lord president,

An offender attainted of any felony, upon surety found of his good behaviour, may be discharged. See 34 & 35 H. 8. c. 26. f. 100.

and

and two of the King's commissioners, or council of the marches for the time being, or three of them at the least, whereof the lord president, or one of the said council, to be one, shall and may by their discretions, for one time only, admit any such offender to a certain fine or sum of money on him by them to be assessed and taxed, to be surely paid to the King's use; (2) and shall have full power and authority, by this present act, to discharge any such offender or offenders, so arraigned, outlawed, convicted and attainted of all and every such felony, murder or felonious offence and accessories of the same, and of all executions and punishments of death, which the same offender or offenders should suffer by the common laws of this realm, so that the same offender or offenders stand not appealed of the said felony, murder or felonious offence, or as accessories of the same offences, at the time of his said discharge; (3) and that every such offender so discharged, as is abovesaid, shall be for the said offence or offences done within any of the King's lordships marchers, or any other lordships marchers, discharged as well against the King's highness, his heirs and successors, as against all other lords marchers, for one time only.

No liberties of lord marcher shall be abridged.

XI. Provided alway, and be it enacted by the authority aforesaid, That this present act, or any thing therein contained, shall not extend ne take place to abridge, deprive, or minimize any liberties, privilege or authority of any lords marchers heretofore granted to the same lord, or lawfully used or accustomed by the said lord or any of his ancestors, unless the foresaid offenders happen to be indicted, outlawed, arraigned, convicted or attainted by force of this act, as is abovesaid, within two years next after such murder or other felonious offence perpetrated, done, or committed within the said lordships marchers, or any of them; any thing in this present act before rehearsed to the contrary notwithstanding.

Where felo-
nies commit-
ted in *Merioneth* in *Wales*
shall be en-
quired of,
heard and de-
termined.
Repealed by
8 El. c. 20.

XII. And furthermore be it enacted by the authority aforesaid, That all murders, robberies, felonies and accessories of the same, which shall happen hereafter to be done, perpetrated or committed, within the shire of *Merioneth* in *Wales*, shall and may be from henceforth enquired, heard and determined in the counties of *Carnarvon* or *Anglesey*, before the King's justice of *North Wales*, or his deputy for the time being, by verdict or inquest to be taken by the inhabitants of the same shires of *Carnarvon* or *Anglesey*, or otherwise, if by the discretion of the justice there, or his deputy, it shall be thought convenient: (2) and that the same justice, or his deputy for the time being, shall have full power and authority by his discretion, by force of this present act, to hear and determine all and every the aforesaid murders, felonies, robberies and accessories, in form aforesaid.

XIII. And where heretofore upon divers murders, robberies and felonies perpetrated and done, as well within the lordships marchers of *Wales*, as in other places of *Wales* without the same lordships, the offenders divers times flee and escape from the same lordship or other place

ace where such offence was committed, and have repaired and re-
 rted into another lordship marcher, and there by the aid, comfort
 and favour of the said lord of the same lordship, or his officer or of-
 fers, have been abiding and resiant, into the which lordships the
 me lords marchers have and do pretend a custom and privilege, that
 me of the King's ministers or subjects may enter to pursue, apprehend
 and attach any such offender thereunto repaired, as is aforesaid,
 reason whereof the same offenders went unpunished, to the ani-
 ation and encouraging of other evil-disposed people: (2) it is there-
 re enacted by the authority abovesaid, That every officer
 and officers, and their deputies, upon commandment given by
 the commissioners or council of the marches for the time be-
 ing, shall bring, send or deliver every such offender to the of-
 ficer of the lordship marcher, or other place, where any such
 ffence is or shall be committed or done, upon the metes and
 ounds of the said lordships, or to the said commissioners or
 ouncil, according as to the said officers by them shall be
 ommanded under pain of xl.li. the said commandment
 r commission to be directed to any such officer, to be sent,
 onveyed and delivered by a serjeant at arms, or a pursuivant,
 ttendant on the said council in the marches for the time
 eing.

Where and to
 whom any of-
 fender taken
 in Wales shall
 be delivered.

C A P. VII.

The bill for the highways in the county of Suffex.

WHERE it is ordained and enacted by authority of this present parliament heretofore holden at London the fifteenth day of April in the fourteenth year of the King's most noble reign, and from thence adjourned to Westminster the last day of July the fifteenth year of his reign, and sheweth bolden; in consideration that many common ways in the Weld of Kent be so deep and noxious by wearing and curse of water, and other occasions, that people cannot have their passages and carriages by horses upon or by the same, but to their great pains, perils and jeopardy; (2) that if any person or persons from that time, in any place within the said Weld of the said county, of his good mind and disposition, without any value of good by him or by them to be received for the same, will, for the common weal of the King's people, assign and lay out a more commodious way in and over the lands thereunto adjoining, whereof the person or persons, or other to his use, shall be seized of fee in estate of inheritance, that the same new way, so to be assigned and laid out, by oversight and assent of two justices of the peace of the said county, and twelve other discreet men within the same hundred inhabiting, where any such new way shall be limited and laid out, or inhabiting within the same hundred, and other hundreds to the said hundred next adjoining, shall be from thenceforth bolden, occupied and used in like manner as the said old way there now is, or before hath been; (3) and that also the same person or persons so disposed, willing and accomplishing, shall and may, for the same new way, so assigned and used, receive and hold, in way of recompense for the same new way so to be given, the soil and ground of the old way in severalty to them their heirs and assigns,

Highways in
 Suffex shall be
 amended.
 14 & 15 H. 8.
 c.6.

Any person
 may lay out a
 new way in
 his own
 ground in the
 Weld of Kent
 by the consent
 of two justices
 of peace, &c.
 and keep several the old.

Certificate
shall be made
into the chan-
cery of the
new way.

They which
have any way
through the
old way may
use it.

The statute of
24 & 25 H. 8.
c. 6. touching
altering ways
in the Weld of
Kent, shall be
put in execu-
tion in the
county of Sus-
sex.

assigns, to their own use and profit for ever, without any common way or passage there from thenceforth to be had or claimed, any prescription or use to the contrary notwithstanding, in like manner and form as is limited by the said act, of a certain new way granted by the same act to be made by George Gilford, Esquire, at Hempstead in the said Weld of Kent. (4) And that the two said justices of peace, and twelve other discreet men by whose oversight and assent the said new way, by virtue of the said act, shall be assigned, limited and laid out, shall, within three months next after the assignment, limitation, and laying out of the same, make certificate into the King's most honourable court of chancery, under their seals, of the length and breadth of the said new way or street, and of other things adjoining or concerning the same, as by their discretions shall be thought most expedient or requisite for the common wealth of that country to be certified; (5) and that certificate to be made from time to time, as oft as any such new way or street shall be assigned, limited and laid out in form above written.

II. Provided alway, That if any person or persons, or body politic, have or ought to have, or hereafter shall have any church-way, or other whatsoever way or passage, over or through any manner lands adjoining to any the said old ways and streets, which shall be taken and used by force of that act as several soil and freehold, in recompence for any new way to be made, and laid out in form aforesaid, or have or ought to have, or hereafter shall have, any lands or tenements adjoining to the old way; that they and every of them, their heirs and successors, shall and may have and use their said way or ways out of and in the said new way, over and through the land of the said old way or street, into or over the said lands or tenements adjoining to the same, and so to pass and repass, as shall appertain over the same old way, at such convenient place or places thereof, as therefore shall be limited and assigned by the said two justices of peace and other twelve men, and by them to be certified in the chancery, among other things by them to be certified in form aforesaid, any thing in the said act above written notwithstanding, as by the said act manifestly appeareth.

III. And forasmuch as in many places within the county of Sussex like act for the alteration of common ways and streets there, being much annoyous, is much necessary and expedient for the common wealth and commodity of the King's subjects of the said county of Sussex to be had and made: in consideration whereof, be it ordained and enacted by the King our sovereign lord, and the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That the said act above rehearsed and recited shall and may from henceforth extend, take effect, and be put in execution in every place convenient or necessary within the said county of Sussex where the ways and streets be annoyous to the King's said subjects of the same county of Sussex, in like form and manner, and in all points and conditions, and with like proviso to be had, done and executed, as it is contained and rehearsed in the above recited act concerning the change of the ways and streets in the

ſaid county of *Kent*; any preſcription, uſe, cuſtom or other thing to the contrary being in any wiſe notwithstanding.

CAP. VIII.

For the city of *Norwich*, for re-edifying of the houſes there. P R.

CAP. IX.

The bill for *Lynn*.

P R.

CAP. X.

The King during his life may repeal the ſtatute of 23 H.8. c.7. E X P.
by his proclamation, and revive the ſame by like means, and
all other ſtatutes made ſithence *Anno* 21 of his reign, con-
cerning the carrying forth of the commodities of this realm,
or bringing in of foreign merchandiſes.

CAP. XI.

Whoſoever dwelling in *Wales* or the marches thereof, ſhall af- E X P.
ſault, beat or hurt any perſon of the county of *Gloceſter*, *Sal-* 33 H. 8. c. 17.
op, or *Hereford*, and ſhall be indicted and convicted thereof,
ſhall be one year imprifoned. To endure to the next parlia-
ment.

CAP. XII.

The bill concerning counties in *Wales*. Clerks convicted in 23 H. 8. c. 1.
Wales ſhall find ſurety for their good abearing. The benefit 27 H. 8. c. 26.
of clergy taken from offenders in ſeveral felonies, unleſs they 28 H. 8. c. 1.
be within holy orders. He within holy orders, who is con- 32 H. 8. c. 3.
victed of felony, before his purgation ſhall find ſureties for 1 Ed. 6. c. 12.
his good abearing. A remedy where there be no juſtices of 5 & 6 Ed. 6. c. 9.
peace in that county in *Wales* where the clerk convicted doth re-
main in priſon.

CAP. XIII.

An act whereby offences be made high treason, and taking
away all ſanctuaries for all manner of high treaſons.

FORASMUCH as it is moſt neceſſary, both for common policy What crimes
and duty of ſubjects, above all things to prohibit, provide, ſhall be ac-
reſtrain and extinguiſh all manner of ſhameful ſlanders, perils or immi- counted high
nent danger or dangers, which might grow, happen or riſe to their treason.
ſovereign lord the King, the Queen, or their heirs, which when they
be heard, ſeen or underſtood, cannot be but odible, and alſo abhorred of
all thoſe ſorts that be true and loving ſubjects, if in any point they
may do, or ſhall touch the King, his Queen, their heirs or ſucceſſors,
upon which dependeth the whole unity, and univerſal weal of this
realm, without providing wherefore too great a ſcope of unreaſonable
liberty ſhould be given to all cankered and traitorous hearts, willers and
workers of the ſame; and alſo the King's loving ſubjects ſhould not de-
clare unto their ſovereign lord now being, which unto them hath been,
and is moſt entirely both beloved and eſteemed, their undoubted ſincerity
and truth.

II. Be it therefore enacted by the aſſent and conſent of our
ſovereign lord the King, and the lords ſpiritual and temporal,
and the commons in this preſent parliament aſſembled, and by

4 Inst. 42, 43.
1 H.H.P.C. 112

the authority of the same, that if any person or persons, after the first day of *February* next coming, do maliciously with, will or desire, by words or writing, or by craft imagine, invent, practise or attempt any bodily harm to be done or committed to the King's most royal person, the Queen's or their heirs apparent, or to deprive them or any of them of their dignity, title or name of their royal estates, or slanderously and maliciously publish and pronounce, by expresse writing or words, that the King our sovereign lord should be heretick, schismatick, tyrant, infidel or usurper of the crown, or rebelliously do detain, keep or withhold from our said sovereign lord, his heirs or successors, any of his or their castles, fortresses, fortilleses or holds within this realm, or in any other the King's dominions or marches, or rebelliously detain, keep or withhold from the King's said highness, his heirs or successors, or any of his or their ships; ordnances, artillery or other munitions or fortifications of war, and do not humbly render and give up to our said sovereign lord, his heirs or successors, or to such persons as shall be deputed by them, such castles, fortresses, fortilleses, holds, ships, ordnances, artillery and other munitions and fortifications of war, rebelliously kept or detained, within six days next after they shall be commanded by our said sovereign lord, his heirs or successors, by open proclamation under the great seal; That then every such person and persons so offending in any the premisses, after the said first day of *February*, their aiders; counsellors, consenters and abettors, being thereof lawfully convict according to the laws and customs of this realm, shall be adjudged traitors, and that every such offence in any the premisses, that shall be committed or done after the said first day of *February*, shall be reputed, accepted and adjudged high treason, and the offenders therein and their aiders, consenters, counsellors and abettors, being lawfully convict of any such offence as is aforesaid, shall have and suffer such pains of death and other penalties, as is limited and accustomed in cases of high treason.

See 1 Ed. 6.
c. 12. & 1 M.
sess. 1. c. 1.
1 & 2 Ph. &
M. c. 9. 10.

No offender in
high treason
shall have the
benefit of
sanctuary.

Treasons
committed
out of the
realm shall be
enquired of
in such coun-

III. And to the intent that all treasons should be the more dread, hated and detested to be done by any person or persons, and also because it is a great boldness and an occasion to ill-disposed persons, to adventure and embrace their malicious intents and enterprizes, which all true subjects ought to study to eschew: (2) Be it therefore enacted by the authority aforesaid, That none offender in any kinds of high treasons whatsoever they be, their aiders, consenters, counsellors nor abettors, shall be admitted to have the benefit or privilege of any manner of sanctuary, considering that matters of treasons touch so nigh both the surety of the King our sovereign lord's person, and his heirs and successors.

IV. And over that, be it enacted by authority aforesaid; That if any of the King's subjects, denizens or other, do commit or practise out of the limits of this realm, in any outward parties, any such offences, which by this act are made, or heretofore have been made treason, that then such treasons, whatsoever they

they

they be, or wherefoever they fhall happen fo to be done or committed, fhall be enquired and prefented by the oaths of twelve good and lawful men, upon good and probable evidence and witnefs, in fuch fhire and county of this realm, and before fuch perfons as it fhall pleafe the King's highnefs to appoint by commiffion under his great feal, in like manner and form as treafons committed within this realm have been ufed to be enquired of and prefented; (3) and that upon every indictment and prefentment found and made of any fuch treafons, and certified into the King's bench, like procefs and other circumftance fhall be there had and made againft the offenders, as if the fame treafons, fo prefented, had been lawfully found to be done and committed within the limits of this realm. (4) And that all procefs of outlawry hereafter to be had and made within this realm againft any offenders in treason, being refuant or inhabited but of the limits of this realm, or in any of the parties beyond the fea, at the time of the outlawry pronounced againft them, fhall be as good and as effectual in the law to all intents and purpofes, as if fuch offenders had been refident and dwelling within this realm at the time of fuch procefs awarded, and outlawry pronounced.

V, And be it further enacted by authority aforefaid, That every offender and offenders, being hereafter lawfully convict of any manner of high treafons; by prefentment, confeffion, verdict or procefs of outlawry, according to the due courfe and custom of the common laws of this realm, fhall lofe and forfeit to the King's highnefs, his heirs and fucceffors, all fuch lands, tenements and hereditaments, which any fuch offender or offenders fhall have of any eftate of inheritance in ufe or poffeffion, by any right, title or means, within this realm of England, or elfewhere within any of the King's dominions, at the time of any fuch treason committed, or any time after; (2) faving to every perfon and perfons, their heirs and fucceffors, (other than the offenders in any treafons, their heirs and fucceffors, and fuch perfon and perfons as claim to any their ufes) all fuch rights, titles, interefts, poffeffions, leafes, rents, offices and other profits, which they fhall have at the day of committing fuch treafons, or at any time afore, in as large and ample manner as if this act had never been had nor made.

CAP. XIV.

For nomination of fuffragans, and confecration of them.

ALBEIT that fithen the beginning of this prefent parliament, good and honourable ordinances and ftatutes have been made and eftablifhed for elections, prefentations, confecrations, and invefting of archbifhops and bifhops of this realm, and in all other the King's dominions, with all ceremonies appertaining unto the fame, as by fundry ftatutes thereof made more at large is fpecified; (2) yet nevertheless no provision hitherto hath been made for fuffragans, which have been accuftomed to be had within this realm, for the more fpeedy adminiftration of the facraments, and other good wifelefs and devout things,

Sees for the
suffragan
bishops.

The bishop
shall present
two persons to
the King for
his suffragans.

The King's
allowance of a
suffragan.

The King
presenteth the
suffragan to
the archbishop.

Within what
time after the
King's pre-
sentation the
archbishop

and laudable ceremonies, to the increase of God's honour, and for the commodity of good and devout people: (3) Be it therefore enacted by authority of this present parliament, That the towns of *Thetford, Ipswich, Colchester, Dover, Guilford, Southampton, Taunton, Shaftsbury, Molton, Marlborough, Bedford, Leicester, Gloucester, Shrewsbury, Bristow, Penreth, Bridgwater, Nottingham, Grantham, Hull, Huntington, Cambridge*, and the towns of *Pereth and Berwick, S. Germans in Cornwall*, and the isle of *Wight*, shall be taken and accepted for sees of bishops suffragans to be made in this realm, and in *Wales*, and the bishops of such sees shall be called suffragans of this realm; (4) and that every archbishop and bishop of this realm, and of *Wales*, and elsewhere within the King's dominions, being disposed to have any suffragan, shall and may at their liberties name and elect, that is to say, every of them for their peculiar diocese, two honest and discreet spiritual persons, being learned, and of good conversation, and those two persons so by them to be named, shall present to the King's highness, by their writing under their seals, making humble request to his Majesty, to give to one such of the said two persons as shall please his Majesty, such title, name, stile and dignity of bishop of such of the sees above specified; as the King's highness shall think most convenient for the same; (5) and that the King's majesty upon every such presentation, shall have full power and authority to give to one of those two persons so to his Highness to be presented, the stile, title and name of a bishop of such of the sees aforesaid, as to his Majesty shall be thought most convenient and expedient, so it be within the same province whereof the bishop that doth name him is.

II. And that every such person to whom the King's highness shall give any such stile and title of any of the sees aforesaid, shall be called bishop suffragan of the same see whereunto he shall be named.

III. And after such title, stile and name so given as is aforesaid, the King's majesty shall present every such person, by his letters patents under his great seal, to the archbishop of *Canterbury*, if the town whereof he hath his title be within the province of *Canterbury*, and likewise to the archbishop of *York*, if the town whereof he hath his title be within the province of *York*, signifying and declaring by the same letters patents, the name of the person presented, and the stile and title of dignity of the bishoprick whereunto he shall be nominated, requiring the same archbishop to whom such letters patents shall be directed, to consecrate the said person so nominate and presented to the same name, title, stile and dignity of bishop, that he shall be nominated and presented unto, and to give him all such consecrations, benedictions and ceremonies, as to the degree and office of a bishop suffragan shall be requisite.

IV. And be it also enacted by authority aforesaid, That all and every such person and persons as shall be nominated, elected, presented and consecrated as is afore rehearsed, shall be taken, accepted and reputed, in all degrees and places, according to the stile, title, name and dignity that he shall be so presented unto,

unto, and have such capacity, power and authority, honour, shall consecrate a suffragan.
preeminence and reputation, in as large and ample manner, in
and concerning the execution of such commission, as by any of
the said archbishops or bishops within their diocese shall be
given to the said suffragans, as to suffragans of this realm hereto-
fore hath been used and accustomed.

V. And be it further enacted by authority aforesaid, That every archbishop of this realm, to whom any the King's letters patents, in the cases afore rehearsed, shall be directed, having no lawful impediment, shall perform and accomplish the effects and contents of this act within the time of three months next after such letters patents shall come to their hands; any usages, customs, foreign laws, privileges, prescriptions, or other thing or things heretofore used, had or done to the contrary hereof notwithstanding.

VI. Provided always, That no such suffragans, which shall be made and consecrate by virtue and authority of this act, shall take or perceive any manner of profits of the places and sees whereof they shall be named, nor use, have or execute any jurisdiction or episcopal power or authority within their said sees, nor within any diocese or place of this realm, or elsewhere within the King's dominions, but only such profits, jurisdiction, power and authority, as shall be licenced and limited to them to take, do and execute by any archbishop or bishop of this realm, within their diocese to whom they shall be suffragans, by their commission under their seals; (2) and that every archbishop and bishop of this realm, for their own peculiar diocese, may and shall give such commission or commissions to every such bishop suffragan as shall be so consecrate by authority of this act, as hath been accustomed for suffragans heretofore to have, or else such commission as by them shall be thought requisite, reasonable and convenient; (3) and that no such suffragan shall use any jurisdiction ordinary or episcopal power, otherwise, nor longer time, than shall be limited by such commission to him to be given as is aforesaid, upon pain to incur into the pains, losses, forfeitures and penalties mentioned in the statute of provisions, made in the sixteenth year of King *Richard* the Second.

What authority and benefit suffragans shall have in their dioceses.

VII. Provided always, That the bishop that shall nominate the suffragan to the King's highness, or the suffragan himself that shall be nominate, shall provide two bishops or suffragans to consecrate him with the archbishop, and shall bear their reasonable costs; (2) provided also, That the residence of him that shall be suffragan over the diocese where he shall have commission, shall serve him for his residence, as sufficiently as if he were resident upon any other his benefice; any act heretofore made to the contrary notwithstanding.

A suffragan's residence over the diocese shall be sufficient for his benefice.

VIII. Be it further enacted, That all such suffragans as shall hereafter exercise the offices aforesaid, by the commission of the bishop, for the better maintenance of his dignity, may have two benefices with cure; any former act made to the contrary notwithstanding.

A suffragan may have two benefices with cure.
Rep. 1 & 2 Ph. & M. c. 8. and revived by 1 El. c. 1.

CAP. XV.

To avoid exactions taken by spiritual men in the archdeaconry of Richmond.

FORASMUCH as divers and many the King our sovereign lord's subjects, inhabited within the archdeaconry of Richmond, in the county of York, be, and of long time have been, sore and grievously exalted and impoverished by the parsons, vicars and others, such as have benefices and spiritual promotions within the same, as by taking of every person, when he dieth, in the name of a pension, or of a portion, sometime the ninth part of all his goods and chattels, and sometime the third part, to the open and manifest impoverishing of most part of all the King's poor subjects inhabited, and deceasing within the same :

II. Wherefore be it ordained, enacted and established by the King our sovereign lord, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That from the feast of S. Mark the evangelist next coming, no manner of spiritual person or others, now having or that from the said feast shall have any manner of benefice or other spiritual promotion within the said archdeaconry, shall in no wise ask, levy, demand or take, after the decease of any person or persons, any such portions or pensions, nor any other demand or duty in the name or lieu of the same, upon pain to incur such dangers, forfeitures and penalties as be contained in the statute of privisors, made the five and twentieth year of the reign of your most noble progenitor King Edward the Third; (2) but that all and every the King's subjects of the said archdeaconry, and their executors and administrators, from henceforth shall be ordered, intreated and used for their goods and chattels, after their decease, in like manner, form, order and condition, as is contained in the statute made in the one and twentieth year of your most noble and victorious reign, for probate of testaments, and none otherwise; any use, custom, hull, composition, prescription or ordinance heretofore had, obtained or used to the contrary, within the aforesaid archdeaconry, in any wise notwithstanding,

CAP. XVI.

An act for the making of worsteds in the city of Norwich, and in the towns of Lynn and Yarmouth.

WHERE at a parliament holden at London the fifteenth day of April in the fourteenth year of the reign of our sovereign lord the King that now is, and from thence adjourned to Westminster the last day of July in the fifteenth year of our said sovereign lord, and there ended; it was ordained, enacted and established; That the craftsmen called worsted-weavers, inhabiting in the town of Great Yarmouth, should have power and authority by that act from thenceforward to elect and choose yearly for ever, on the Monday next after the feast of Pentecost, one honest man of the mystery and occupation of worsted-

What duties
spiritual men
in Richmond
in Yorkshire
shall take after
the decease of
any person.
25 Ed. 3. stat. 6.

21 H. 8. c. 5.

Recital of the
statute relat-
ing to the
worsted-weav-
ers of Norwich,
and those of
Lynn and
Yarmouth in
the county of
Norfolk, made
in 14 H. 3. c. 3.

worsted-weavers, being an householder within the said town of Great Yarmouth, and having of his proper goods and chattels to the value of x. li. at the least, or lands and tenements to his own use of estate of freehold at the least to the clear yearly value of xx.s. to be warden of the same craft and mystery of worsted-weavers for the year next ensuing, which man, so elected and chosen, should personally appear before the mayor of the city of Norwich for the time being, the Monday next after the feast of Corpus Christi then next ensuing, then and there to be sworn and charged by like oath concerning the true and substantial making of worsteds, says and flamins within the said town of Great Yarmouth, as the four wardens of the said city of Norwich, by virtue of an act of parliament made in the seventh year of King Edward the Fourth, were charged and sworn for the same city of Norwich. And if the said mayor happened to be absent the said Monday next after Corpus Christi, or else then refused to receive or take the said oath, then the said warden so elect, within four days next after the same Monday, should come before the bailiffs of the said town of Great Yarmouth for the time being, or before one of them, the other being absent, and then and there receive a corporal oath for the true exercising of the same office of wardenship, after the tenor of the oath accustomedly used to be given to the said wardens of the said city of Norwich; and then the said warden of the said town of Great Yarmouth for the time being, so elected and sworn, might ordain and appoint a seal, with this letter Y. to be graven in the same seal, and might have full power and authority to view, search, seize and seal in lead with the same seal, so to be appointed and engraven, and none other, all worsteds, says and flamins within the said town of Yarmouth, and suburbs of the same, made or be made, and not elsewhere, in as large and ample manner as the said wardens of the said city of Norwich, and the wardens of the county of Norfolk, or any of them, had within the said city or county, or in any wise may do in that behalf by authority or virtue of the afore remembred act, made in the said seventh year of King Edward the Fourth: any thing in the same contained to the contrary thereof notwithstanding. And that no person inhabiting within the said town of Great Yarmouth, or suburbs thereof, should weave any worsteds, says or flamins within the same town, except he be an Englishman born, and had been apprentice to the said occupation, and without he weaved therein such proper marks as should be limited and appointed by the said warden of the said town for the time being, elect and sworn as is aforesaid, upon pain of forfeiture thereof to the King our sovereign lord; and that every warden of the said town should limit distinct and several marks to every of the said worsted-weavers of the same town of Great Yarmouth, and the same marks by the said warden to be registred in a book.

And also it was further enacted, That if and whensoever the town of Lynn should be inhabited with ten sundry householders, or more number of householders, exercising and using the said craft or mystery of worsted-weavers, then and from thenceforth, that is to say, as long as the same town of Lynn should be inhabited with the number of ten such householders at the least, it should be lawful to the same inhabitants of the said town of Lynn yearly, in the Monday next after the feast of

Pentecost, to elect and choose of themselves one warden of the said craft and mystery of worsted-weavers, to be of the value in lands and goods, as is aforesaid of the warden of Yarmouth; which warden, so elect, should yearly be sworn and charged at the said city of Norwich, in like manner and at like day, as is before limited to the wardens of Yarmouth; or, in default of the said mayor of Norwich, then the said warden, so to be elect for the said town of Lynn, to take a corporal oath before the mayor of the said town, within such time, and after such form, as is before limited unto the said warden of Yarmouth. And that the said warden of the said town of Lynn for the time being, so elect and sworn, by himself might ordain and appoint a seal with this letter L. to be graven in the seal, and might have full power and authority to view, search, seize and seal in lead, with the same seal so to be graven, and with none other, all worsteds, says and flamins within the said town of Lynn and suburbs of the same, made or to be made, and not elsewhere, in as large and ample manner, as the said warden of the said city of Norwich, and the warden of the said county of Norfolk, or any of them had within the said city or county, or otherwise might do by authority or virtue of the aforesaid act made in the said seventh year of King Edward the Fourth; any thing contained in the same act to the contrary notwithstanding.

And that no person inhabiting within the said town of Lynn or suburbs thereof, should make any worsteds, says or flamins, within the same town, except he were English born, and had been apprentice to the same occupation, and without he weaved therein such proper mark as should be limited and appointed by the said warden of the same town of Lynn for the time being, upon pain of forfeiture thereof to the King our sovereign lord. And that every warden of the said town should limit distinct and several marks to every of the said worsted-weavers of the same town, and the same marks by the said warden to be registred in a book.

And it was further enacted, That from the feast of St. Michael the archangel then next following, unto such time as the said town of Lynn should be inhabited with the said number of ten householders of the said craft of worsted-weavers, and always after, when the number of ten householders should happen to fail, and not be inhabited in the said town of Lynn, the said wardens of the said city of Norwich, and their successors, should procure and cause one of themselves, or one of the wardens of the said craft of the said county of Norfolk, personally to come and be, every eight and twentieth day from and after the said feast of St. Michael the archangel, in and to the said town of Lynn, or within six days next after every such eight and twentieth day, and there to continue and abide by so long time as he might search and seal all such worsteds, says and flamins made in the same town of Lynn, as then should be brought to him to be sealed within the space of one whole day. And the said inhabitants of worsted-weavers of the same town of Lynn being, should content and pay to the said wardens of Norwich or Norfolk, which should so come to Lynn in the said eight and twentieth day, or within the six days next after the twentieth day, for his costs and expences, for every time that he should

ſo come to Lynn, between the feaſts of St. Michael the archangel and the Annunciation of our lady St. Mary, iii. s. and for every time that he ſhould ſo come to the ſaid town of Lynn between the feaſt of the Annunciation of our lady and the feaſt of St. Michael the archangel, ij. s. And if the ſaid inhabitants of worſted-weavers of the ſaid town of Lynn did not content and pay to the ſaid warden, coming to Lynn in form aforeſaid, for his ſaid coſts and charges, the ſaid three ſhillings or two ſhillings as is above limited, then the ſame inhabitants ſhould forfeit and pay to the ſaid warden, or to his executors, for every ſuch default of payment, xl. s. And if none of the ſaid wardens of Norwich and Norfolk come to the ſaid town of Lynn for the cauſe aforeſaid, in manner and form above remembred, that the ſaid wardens of the ſaid city of Norwich ſhould forfeit and pay to the ſaid inhabitants of Lynn, of the ſaid myſtery of worſted-weavers, for every ſuch default, xl. s. for recompence of the penalty and forfeits; the ſaid wardens of Norwich or Norfolk being thereunto intituled by that act by its proper name, with this addition, that is to ſay, Unius gardianorum, or nuper unius gardianorum artis five myſterii textorum panni lanei vocat. worſteds in civitat. Norwic. vel com. Norf. as the truth requireth, ſhould and might have action of debt by writ, bill or plaint, in any competent or lawful court of this realm, againſt the inhabitants of Lynn, of the ſaid myſtery for the time being, by their ſundry proper names, and the ſaid inhabitants by their ſaid names, with this addition, Textorum panni lanei vocat. Worſteds inhabitantes villæ de Lynn, ſhould and might have like action of debt againſt the ſaid wardens of Norwich, by the name of Gardiani artis five myſterii textorum pannorum laneorum vocat. Worſteds infra civitatem Norwic. vel com. Norf. to be uſed in good congruities of Latin and form of the laws of this realm; in which actions, or any of them, none eſſoin, proceſſion or wager of law ſhould be ſuffered or allowed; and that the particular bodies or goods of any of the ſaid wardens or inhabitants, being condemned in any of the ſaid actions, ſhould and might be put in execution, after ſuch manner and form as is uſed in an action of debt by courſe of the common law of this realm.

And moreover it is enacted, That all cloths of worſteds, ſays and ſtamins, made within any of the ſaid towns of Lynn and Great Yarmouth, or ſuburbs of the ſame, or any of them, and marked with ſuch marks as ſhould be limited to the makers by the ſaid wardens of the ſaid town, in manner and form as is aboveſaid, and viewed and ſealed by any of the ſaid wardens of the ſaid towns of Lynn and Yarmouth, in form remembred, by force and virtue of the ſaid act, might be lawfully put to ſale by the owners and makers of the ſame, without any other marking or ſealing upon the ſame cloths, or upon any of them, to be had or made of or upon any of the ſaid cloths, for lack of any other ſeals or marks; any thing contained in the ſaid ſeventh year of King Edward the Fourth to the contrary notwithstanding.

And moreover it was enacted, That every craftſman of the ſaid myſtery and occupation of worſted-making, dwelling within any of the ſaid towns of Lynn and Yarmouth and ſuburbs of the ſame, at their own free-wills and liberties from thenceforth for ever, might have
and

and take apprentice or apprentices, being male, of the age of xiiij. years and upward, and being the King's natural subjects, for term of seven years, and not under, so that none of them exceed the number of two at once, to learn, use and exercise the said craft within either of the said two towns of Lynn and Great Yarmouth and suburbs of the same, albeit the father of the said apprentice or apprentices might not expend in lands or tenements to the yearly value of twenty shillings; any act or ordinance to the contrary made, or to be made, notwithstanding.

Provided always, That the same act, or any thing therein contained, should not in any wise be hurtful or prejudicial to the mayor of Norwich, or to his successor, or to the wardens of the said city or county, or to their successors, in any point, article, power or authority, other than for weaving, searching and sealing of the worsteds, says and flamins, made or to be made only within the said towns of Lynn and Yarmouth, or suburbs of the same or any of them, and for limiting of marks to the makers of worsteds, says and flamins, only inhabiting in either of the said towns, or suburbs thereof, and taking of apprentices in form above remembred; but that the said mayor of the said city of Norwich, and wardens of the same city and county, and every of them, might have and use all other points, articles, powers and authorities contained and specified in the above remembred act made in the said seventh year of King Edward the Fourth, as well for the search, sealing, correction and reformation of the said wardens newly to be elected by the virtue of the same act, and every of them, according and after such form as they might do or use any of the said wardens of the said city or county, by force of the said act made in the said seventh year of King Edward the Fourth, as all and every other enquiries, corrections, searches, seizings and reformations to be had for the true making of worsteds, says and flamins, in and upon any person or persons, as well within the said towns of Lynn and Yarmouth as without, without trouble, let, or vexation of any of the inhabitants of the said towns, in as large and ample wise, as they might have done before the making of the said act; any thing contained in the same act to the contrary notwithstanding.

And also it was further provided and enacted, That the said craftsmen of worsted-weavers, inhabiting or after that to be inhabiting, within either of the said towns of Lynn and Yarmouth, or suburbs of the same, and the merchants, or any other person or persons, which should happen to buy of the same craftsmen, or any of them, or any other person any of the said cloths of worsted, says and flamins, made or to be made within either of the said towns of Lynn and Yarmouth, and sealed by the said wardens of the same towns, to be elect and sworn as is aforesaid, and any of them, should not bear, dye or put in colour, or callender any worsteds, flamins or says, made or after that to be made within either of the said towns of Lynn and Yarmouth, and suburbs of the same, in any other place or places, but only within the said city of Norwich, or suburbs of the same, upon pain of forfeiture of every piece of worsted, says or flamins, to be made within any of the said towns of Lynn and Yarmouth, or suburbs of the same, or the value thereof, shorn, dyed, coloured or callendered by any of the said craftsmen, buyers or merchants, in any other place or places, than in the said

ſaid city of Norwich, or ſuburbs of the ſame; the one half thereof to be to the King our ſovereign lord, and the other half thereof to ſuch perſon or perſons as ſhould ſeiſe the ſame; ſo that the ſaid worſteds brought to the ſaid city of Norwich to be ſhorn, dyed, coloured and callendred without covin or craft of any of the ſaid inhabitants and merchants, might be ſhorn, dyed, coloured and callendred at and by as convenient price or prices, and in as ready wiſe, as the ſaid inhabitants of either of the ſaid towns of Lynn and Yarmouth, and merchants buyers of the ſaid worſteds, or other of the ſaid city and county had had in times paſt, or after that ſhould have. And alſo that the ſaid inhabitants and merchants, and every of them, ſo bringing the ſaid worſteds to the ſame city to be ſhorn, dyed, coloured and callendred, were reaſonably and lawfully intreated according to the ſaid act made in the ſaid ſeventh year of King Edward the Fourth, and the ordinances made and affirmed, or thereafter to be made and affirmed for the ſaid myſtery, without let or diſturbance contrary to the ſame act or ordinances in that behalf.

And it was further enacted, That no perſon or perſons any time after that ſhould convey or tranſport into any of the parts beyond the ſea, any manner of cloths or worſteds, before the ſame cloths were ſhorn, dyed, coloured and callendred, upon pain of forfeiture of the value thereof; the one half to the King our ſovereign lord, and the other half thereof to the party that will ſue therefore by action or plaint of debt in any of the King's courts; in which action or ſuit no protection or eſſay ſhall be allowed, nor the defendant admitted to wage his law, as by the ſaid act thereof made more plainly appeareth; which act was made to endure unto the next parliament, whereby it is now expired. In conſideration whereof, and ſo far as much as the ſame act is a good and neceſſary act for the true making of worſteds, ſays and ſtamens, and very commodious and profitable for the increaſe of the ſaid towns of Yarmouth and Lynn; be it therefore enacted by the King our ſovereign lord, and the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, That the ſame act, and every article, ſentence and proviſion therein contained, ſhall from henceforth be continued, and ſtand for ever in full ſtrength and virtue.

The foregoing act confirmed.
21 H. 8. c. 21.

C A P. XVII.

For leſſees to be diſcharged for paying any thing for their leſſors to the King, by reaſon of the act of firſt-fruits.

FOR certain reaſonable and urgent conſiderations moving the King's moſt high court of parliament, it is ordained and enacted by authority of the ſame, That all and ſingular fermors and leſſees of any manors, lordſhips, lands, tene-ments or other hereditaments, parſonages, vicarages, portions of tythes, or other whatſoever profits or commodities belonging to any archbiſhop, biſhop or other prelate, or ſpiritual perſon or perſons, or ſpiritual body corporate or politick, whereof any firſt-fruits or yearly penſion of the tenth part is granted to the King our ſovereign lord in this preſent ſeſſion of the ſaid court of parliament, ſhall be diſcharged, and not

26 H. 8. c. 3.
Fermors of ſpiritual perſons ſhall not pay any firſt-fruits of the tenth granted to the King.

chargeable to pay to our said sovereign lord, of his or their proper money, cost or charge, for or in discharge of the lessor or lessors, owner or owners of the same, by reason of any covenant, bargain, bond, condition, clause of re-entry, or other thing heretofore made or concluded; (2) but that every of the said lessors and owners and their successors, shall be charged and chargeable to pay and satisfy the same of his and their proper cost and charge, to the King our sovereign lord, his heirs and successors, according to the grant thereof; any covenant, bargain, contract, bond, condition, clause of re-entry, or other thing heretofore made or concluded to the contrary thereof, in any wise notwithstanding.

1 El. c. 4.

CAP. XVIII.

EXP.

The King's pardon to all his subjects of all felonies, trespasses, and offences not excepted.

Statutes made at *Westminster Anno 27 HEN. VIII.*
and *Anno Dom. 1535.*

ACTS made in the session of this present parliament, bolden upon prorogation at Westminster the fourth day of February in the seven and twentieth year of the reign of our most dread sovereign lord King Henry the Eighth, and there continued and kept till the fourteenth day of April next ensuing, to the honour of God, and for the common weal and profit of this his realm.

CAP. I.

P. R.

For the re-edifying of Nottingham, Gloucester, Northampton, and other towns.

CAP. II.

REP. 1 Ed. 6. It shall be high treason to counterfeit the King's sign-manual, privy-signet, or privy-seal.

CAP. III.

REP. 33 H. 8. A restraint of the exactions taken by the mayor and commonalty of the town of Hull.

CAP. IV.

For pirates and robbers on the sea.

The inconveniences of the trial of piracy after the course of the civil law.

WHERE pirates, thieves, robbers and murderers upon the sea, many times escape unpunished, because the trial of their offences hath heretofore been ordered before the admiral, or his lieutenant or commissary, after the course of the civil laws, the nature whereof is, that before any judgment of death can be given against the offenders, either they must plainly confess their offence, (which they will never

never

never do without torture or pains (or else their offences be so plainly and directly proved by witnesses indifferent, such as saw their offences committed, which cannot be gotten but by chance at few times, because such offenders commit their offences upon the sea, and at many times murder and kill such persons being in the ship or boat where they commit their offences, which should bear witness against them in that behalf, and also such as should bear witness be commonly mariners and shipmen, which for the most part cannot be gotten ne had always ready to testify such offences, because of their often voyages and passages in the seas, without long tarrying or protraction of time, and great costs and charges, as well of the King's highness, as of such as would pursue such offenders : (2) for reformation whereof, be it enacted by authority of this present parliament, That all such offences done in or upon the sea, or in any other haven, river or creek where the admiral or admirals pretend to have jurisdiction, shall be enquired, tried, heard and determined in such shires and places in this realm as shall be limited by the King's commission to be directed for the same, in like form and condition as if such offences had been done upon the land ; (3) and that such commissions shall be had under the King's great seal, directed to the lord admiral or admirals, or to his or their lieutenant, deputy or deputies, and to three or four such other substantial persons as shall be named by the lord chancellor for the time being, as often as need shall require, to hear and determine such offences after the common course of the laws of the land used for felonies done and committed within this realm.

Before what persons offences committed upon the sea shall be heard and determined.

II. And be it enacted by the authority aforesaid, That such persons to whom such commissions shall be directed, or three of them at the least, shall have full power and authority to enquire of such offences, by the oaths of twelve good and lawful men inhabited in the shire limited in their commission, in such like manner and form as if such offences had been committed upon the land within the same shire ; (2) and that every indictment found and presented before such commissioners, of any felonies, robberies, murders or manslaughter, done upon the seas, or in or upon any other haven, river or creek, shall be good and effectual in the law ; (3) and if any person or persons happen to be indicted for any such offence done or hereafter to be done upon the seas, or in any other places above limited, that then such order, process, judgment and execution shall be used, had, done and made, to and against every such person and persons so being indicted, as against felons and murderers for murder or felony done upon the land, as by the laws of this realm is accustomed ; (4) and that the trial of such offence, if it be denied by the offenders, shall be had by twelve men inhabited in the shire limited within such commission, which shall be directed as is aforesaid, and no challenge to be had for the hundred ; (5) and such as shall be convict of any such offence, by verdict, confession or process, by authority of any such commission, shall have and suffer such pains of death, losses

By what jurors the same offences shall be enquired of.

The trial, judgment and forfeiture of offenders in piracy.

losses of lands, goods and chattels, as if they had been convicted of any felonies or murders done upon the lands.

Clergy shall
not be allowed
to pirates.

III. And be it enacted by authority aforesaid, That for robberies, felonies and murders done upon the seas, or in any other places above rehearsed, the offenders shall not be admitted to have the benefit of their clergy, but be utterly excluded thereof, and also of the privilege of any sanctuary.

Things taken
upon the sea
by necessity.

IV. Provided alway, That this act extend not to be prejudicial or hurtful to any person or persons for taking of any victuals, cables, ropes, anchors or sails, which any such person or persons, compelled by necessity, taketh of or in any other ship, which may conveniently spare the same, so that the same person or persons pay out of hand for the same victual, cables, ropes, anchors or sails, money or money-worth, to the value of the thing so taken, or deliver for the same a sufficient bill obligatory to be paid in form following; that is to say, if the taking of the same things be on this side the straits of *Marrrok*, then to be paid within four months; and if it be beyond the said straits of *Marrrok*, then to be paid within twelve months next ensuing the making of such bills; and that the makers of such bills well and truly pay the same debt at the day to be limited within the said bills.

Commissions
directed into
the five ports.

V. Provided alway, That whensoever any such commission for the punishment of the offences aforesaid shall be directed or sent to any place within the jurisdiction of the five ports that then every such commission shall be directed unto the lord warden of the same ports for the time being, or to his deputy, and unto three or four such other person or persons as the lord chancellor for the time being shall name and appoint; any thing in this present act to the contrary thereof in any wise notwithstanding.

28 H. 8. c. 15.

VI. Provided also, That whensoever any commission shall be directed into the five ports for the inquisition and trial of any of the offences expressed in this act, that every such inquisition and trial to be had by virtue of such commission, shall be made and had by the inhabitants in the said five ports, or the members of the same; any thing in this act to the contrary thereof notwithstanding.

CAP. V.

For the making of justices of peace within Chester and Wales.

THE King's highness considering the manifold robberies, murders, thefts, trespasses, riots, routs, embraceries, maintenances, oppressions, ruptures of his peace, and many other malefactions, which been daily practised, perpetrated, committed and done within his counties and county palatines of Chester and Flintshire in Wales, adjoining to the said county of Chester, and also in his counties of Anglesey, otherwise called Anglesey, Cayernarvan and Mereoneth, within his principality of North-wales, and also in his counties of Cardigan, Cayernarthen, Pembroke and Glamorgan, in South-Wales; by reason that common justice hath not been indifferently ministered there,

The lack of
the execution

like

like and in fuch form as it is in other places of this his realm, by reason whereof the said murders, robberies, thefts, trespasses and breaking of the peace, have remained unpunished, to the great animation of evil-doers in the same countries; (2) for redress and amputation whereof, and to the intent that one order of ministring of his laws should be had, observed and used in the same, as in other places of this realm of England is had and used, It is ordained and enacted by the King our sovereign lord; and the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That the lord chancellor of England, or the lord keeper of the great seal for the time being, from time to time, and at all times, shall have full power and authority, by his discretion, to nominate and appoint justices of peace, justices of the *quorum*, and justices of gaol-delivery in the said counties of Chester, Flint, Anglesey, Koyernarwan, Merioneth, Cardigan, Koyermarthen, Pembroke and Glamorgan, by commission under the King's great seal, which shall have full power and authority to enquire, hear and determine all manner of thing and things inquirable, presentable or determinable before justices of peace, justices of *quorum*, and justices of gaol-delivery in other shires of his realm of England, by force or virtue of any statute or statutes made and to be made, or by the course of the common-laws of his realm; (3) and that the said justices of peace, justices of *quorum*, and justices of gaol-delivery, so to be named and appointed by the said lord chancellor or lord keeper of the great seal, and every of them, shall have like power and authority within the said counties of Chester, Flint, Anglesey, Koyernarwan, Merioneth, Cardigan, Koyermarthen, Pembroke and Glamorgan, to do, use and execute every thing and things, as other justices of peace, *quorum* and gaol-delivery have within any other of the shires of this realm of England; (4) and also shall be sworn, stricked and obliged to the keeping of their sessions of the peace, and to the due execution of all and singular statutes and ordinances made and to be made, in like manner and form, and under like pains and penalties, as justices of peace, justices of *quorum* and gaol-delivery in other shires of this realm of England been and shall be bounden and obliged; any act, statute, prescription, usage, custom, liberty or privilege, had, made, accustomed or used, to the contrary notwithstanding.

II. And it is further enacted by the authority aforesaid, That the estreats of the issues, fines and amerciaments taxed, set, lost or forfeited by or before such justices of the peace, *quorum* and gaol-delivery in the said counties of Chester and Flint, shall be returned and certified into the exchequer of Chester before the King's chamberlain there.

III. And that the estreats of the issues, fines and amerciaments, taxed, set, lost or forfeited by or before the justices of peace, *quorum* and gaol-delivery in the said counties of Koyernarwan and Merioneth, and every of them, shall be returned and certified into the King's exchequer at Koyernarwan, to and before the King's chamberlain of North-Wales.

of justice the cause of disorders.

Sessions to be held but twice a year at Chester.
32 H. 8. c. 43.

Justices of the peace, of *quorum*, and of gaol-delivery, shall be assigned in certain shires in Wales, and their authority.

Where the estreats of the particular counties in Wales shall be returned.

IV. And that the eſtreats of the iſſues, fines and amercia-
ments, taxed, ſet, loſt or forfeited by or before the juſtices of
the peace, *quorum* and gaol-delivery in the ſaid counties of
Kayermarthen and *Cardigan*, and every of them, ſhall be return-
ed and certified into the King's exchequer at *Kayermarthen*, to
and before the King's chamberlain of *South-Wales*.

V. And that the eſtreats of the iſſues, fines and amercia-
ments, taxed, ſet, loſt or forfeited by or before the juſtices of
peace, *quorum* and gaol-delivery in the county of *Pembroke*, ſhall
be returned and certified into the King's exchequer at *Pembroke*.

VI. And that the eſtreats of the iſſues, fines and amercia-
ments, taxed, ſet, loſt or forfeited by or before the juſtices of
peace, *quorum* and gaol-delivery in the ſaid county of *Glamorgan*,
ſhall be returned and certified in the King's exchequer at *Caer-
diff*: (2) And that the ſaid eſtreats of the ſaid iſſues, fines and
amerciamments, certified and returned into every of the foreſaid
exchequers, ſhall be indented in ſuch like manner and form as
is uſed in the King's exchequer at *Weſtmiſter*: (3) And that
the ſaid juſtices of peace and *quorum*, or gaol-delivery in every
of the ſaid ſhires, ſhall direct ſuch like proceſs by eſtreats in-
dented with the eſtreats certified into the ſaid exchequer, to the
ſheriff of every of the ſaid counties, for the levying and gather-
ing of the ſaid iſſues, fines and amerciamments, in ſuch like man-
ner and form as is uſed by the juſtices of peace, *quorum* and
gaol-delivery in every other of the ſhires within this realm of
England; (4) and that every ſheriff of every of the ſaid ſhires
ſhall make their accompts in every of the ſaid exchequers, of
and for the ſaid iſſues, fines and amerciamments, upon the ex-
treats to them directed in manner and form as is uſed in the
King's exchequer at *Weſtmiſter*.

VII. And it is alſo enacted by the authority aforeſaid, That
the ſaid juſtices of peace and clerks of the peace within the ſaid
counties of *Cheſter*, *Flint*, *Angleſey*, *Kayernarwan*, *Mereoneth*, *Car-
digan*, *Kayermarthen*, *Pembroke* and *Glamorgan*, and every of
them, ſhall be paid and allowed of the ſaid iſſues, fines and
amerciamments, ſuch like fees, profits and commodities, as other
juſtices of peace and clerks of the peace in other ſhires of this
realm have and ought to have.

VIII. And it is further enacted by authority aforeſaid, That
the ſheriff or his deputy, and all other his miniſters in all and
every of the ſaid ſhires, and all coroners, high conſtables, petty
conſtables, and all other officers within every of the ſaid ſhires,
ſhall be obliged and bounden to be as well attendant unto the
ſaid juſtices of peace, *quorum* and gaol-delivery, in all and every
thing and things concerning their authorities, as in executing
and returning of all precepts and proceſſes to them directed by
any of the ſaid juſtices, in like manner and form, and under
like pains and penalties, as all and every ſheriffs, coroners and
other officers, be and ſhall be bounden and obliged by any
ſtatute or common law, in other ſhires of this realm of *England*;

Where the
ſheriffs ſhall
make their
accounts of
iſſues, fines
and amercia-
ments.

The juſtices
and clerk of
the peace's al-
lowances.

Inferior offi-
cers ſhall be
attendant to
the juſtices.

any

ny act, statute, prescription, usage, custom, liberty or privilege, 32 H. 8. c. 43.
ad, accustomed or used to the contrary notwithstanding. 34 & 35 H. 8.
c. 26.

CAP. VI.

The bill for the increase of horses.

THE King our sovereign lord continually studying for the advancement, augmentation and increase of the publick weal of this his realm, calling to his most gracious memory the great decay of the generation and breeding of good, and swift and strong horses, which heretofore have been bred in this realm, to the great defence, profit and common commodity of the same; and now remembering that like breed of horses is sore diminished and decayed, the occasion whereof is sought to proceed, for that in many and most places of this realm, commonly little horses and nags of small stature and value be suffered to depasture, and also to cover mares and fillies of very small stature, by reason whereof the breed of good and strong horses of this realm is now lately diminished, altered and decayed, and farther is like to decay, *The cause of the decay of the breed of horses.*
speedy remedy be not sooner provided in that behalf.

II. The King's highness willing therefore to provide remedy in that behalf, by the advice of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, hath ordained, enacted and established, That every person and persons, as well spiritual as temporal, of what estate, degree or condition soever he or they be, which at this present time, or at any time hereafter, shall have any park or ground inclosed with hedge, ditch, wall or pale, where any deer is, or hereafter shall be, usually kept for game, containing the quantity of one mile in compass, and is or shall be leased thereof in fee-simple, fee-tail, or for term of life, in possession, to his or their own profit and behoof, that every such owner of every such park and ground being in his own hand, and every farmer of every such park or ground being let to farm, from the first day of *May*, that shall be in the year of our Lord God 1537, shall keep for every such park or ground being inclosed as is aforesaid, as long as the same park or ground inclosed shall be used, and kept with deer in the same for games, two mares being not spayed, apt and able to bear foals, each of them of the altitude or height of thirteen handfuls at the least, to be measured from the lowest part of the hoof of the foot unto the highest part of the shoulder, and every handful to contain four inches of the standard, upon pain of forfeiture of xl. s. for every month's lacking the same mares contrary to this act; (2) and that every such owner or farmer of park or ground, whereof the compass is four miles and above, upon pain afore expressed, shall keep for every such park four mares being not spayed, apt and able to bear foals, of the altitude or height of thirteen handfuls at the least, to be measured as is afore said.

Owners and farmers of parks shall be charged to keep mares.

III. Provided, That if it shall happen any of the said mares by mischance or casualty for to die, that then the lord, owner or owners of the said mares, providing or buying others of like age and altitude as is before limited, within three months next

after the death of the fame mares, fhall not incur the danger and penalty of this eftatute; any thing before rehearfed to the contrary notwithstanding.

Mares fhall not be covered with fmall horfes.

IV. And it is alfo enacted by authority aforefaid, That the lords, owners and farmers of all parks and grounds inclofed as is above rehearfed, limited and appointed by this act to keep mares, fhall not at any time after the faid firft day of *May*, which fhall be in the year of our Lord God 1537. willingly fuffer any of the faid mares to be covered or leapt with any ftoned horfe under the ftature of fourteen handful, to be meafured in form afore rehearfed, (2) upon pain of forfeiture of xl. s. The moiety of all fuch forfeitures fhall be to the King our fovereign Lord, and the other moiety thereof to the party that will fue for the fame in any court of our faid fovereign lord the King, by action, bill, plaint, information, or otherwife; in which action or fuit the defendant fhall not be admitted to wage his law, or any protection or effoin fhall be unto the defendant allowed in that behalf.

To what counties this ftatute extendeth not.

V. Provided alway, That this act extend not to charge the lord, owner or owners of any park or ground inclofed within the counties of *Westmoreland, Cumberland, Northumberland* and the bifhoprick of *Durham*, nor any of them, to keep any mares for any park or parks, ground or grounds inclofed as is afore faid, lying in the faid counties of *Westmoreland, Cumberland, Northumberland* and the bifhoprick of *Durham*, otherwife than they have or might have done before the making of this act; (2) nor alfo fhall extend to charge the lords, owner or owners of any park or parks, or grounds inclofed, with the finding of any mares, the herbage of which park or parks is common to the tenants and inhabitants of the townfhips next adjoining to the fame park or parks; any thing in this prefent act made to the contrary hereof notwithstanding.

Spiritual perfons may fell the increafe of their mares.

VI. Provided alfo, That every fpiritual perfon and perfons, charged and chargeable by this act with the finding of mares, may lawfully bargain and fell the increafe and breed of their faid mares; any act or acts heretofore made to the contrary in any wife notwithstanding.

CAP. VII.

For the abuses in the forefts of Wales.

A rehearfal of divers unlawful and un-reafonable cuftoms that were in fome forefts in Wales.

WHERE divers and many forefts being in Wales, and the marches of the fame, as well of the inheritance and poffeffions of our fovereign lord the King, as of divers others being lords marchers; within which forefts certain unreafonable cuftoms and exactions have been of long time unlawfully exacted and ufed, contrary both to the law of God and man, to the exprefs wrong and great impoverifhing of divers of the King's true fubjects, (2) the effect of which faid unlawful exactions and cuftoms be hereafter declared; that is to wit, it hath been there unlawfully ufed, that if it fortuned any of the King's fubjects to pafs, go or ride through or in any way or path of any of the faid forefts, not having upon him or them that fo fhall fortune

tune

me to pass, go or ride, a token delivered to him or them by the chief foresters, rulers, walkers or farmers, the which token shall be well known amongst all them that are walkers and rulers under him or them; or that he or they that so shall fortune to pass, go or ride in or through any of the said forests, be not yearly tributors or chensers, when he or they so going, riding or travelling in or through any of the said forests, having no token, nor being yearly tributors or chensers, as is aforesaid, have used to pay by unlawful exactions, unto the said foresters, rulers, walkers and farmers of the said forests, a grievous fine or reward: (3) and if any person or persons, not having such token or tokens, and not being a yearly tributor or a chenser, as is aforesaid, should happen to be taken, found or espied by any of the said foresters, rulers, walkers or farmers, or their assigns, by the space of xiv. foot out of the highway, then he or they so being taken, found or espied out of the highway, within any of the said forests as is aforesaid, to forfeit and lose unto the said foresters, rulers, walkers or farmers, all such money or gold as should be then found upon him or them so being taken in any of the said forests, out of the highway, as is aforesaid.

II. And also the same person or persons so being taken or found out of the highway, to forfeit and lose a joint of one of his or their hands, or else to make fine therefore with the said foresters, rulers, walkers and farmers, at the will and pleasure of the said rulers, walkers or farmers.

III. And if also that it happen any beast or quick cattle to come, go or escape into any of the said forests by stray or thief-stolen, or otherwise, the said foresters, rulers, walkers or farmers, after knowledge to him or them given, have likewise unlawfully used to seise and take the same beast or cattle as his or their own, and mark them with the marks of their forest there used, and so seised, marked, taken, and them retain as cattle forfeited unto their own use; by reason whereof the owner and owners of the same cattle have been clear without remedy for the having again of the said cattle, except only by way of redemption or buying again of their own cattle, contrary to all equity and conscience: (2) in consideration whereof, it may please the King's highness, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, to enact, ordain and establish, That from the feast of the nativity of St. John Baptist next coming, which will be in the year of our Lord God 1536. all the said unlawful customs be determined, void and had for naught throughout all and every of the said forests within Wales and the marches of the same.

No exactions shall be taken in the forests of Wales.

IV. And that it shall be lawful from thenceforth to all and every the King's true subjects, and all other person or persons being in league and amity with our sovereign lord the King, his heirs and successors, Kings of England, freely, quietly, and in peace to pass and repass, travel, and go into and through the said forests, and every of them, both on horseback and on foot, as well following and driving of cattle, as with carrying of wares, or otherwise about their lawful business and affairs, without

All the King's subjects and friends may pass freely through all the forests in Wales without payment of any unlawful exactions.

any fine, forfeiture, toll, cuſtom, exaction, or other impoſition to be taken, exacted or demanded of them, or any of them, by the ſaid foreſters, rulers, walkers, farmers, or their aſſigns. (2) And if it ſhall chance or happen any of the ſaid foreſters, rulers, walkers, farmers or their aſſigns, or any of them, at any time after the ſaid feaſt of St. *John Baptiſt*, to take any perſon or perſons, being the King's true ſubjects, or otherwiſe in league and amity with our ſaid ſovereign lord, his heirs or ſucceſſors, Kings of *England*, as is aforeſaid, and exact and take of them, or any of them, any of the ſaid forfeitures, fines, tolls, cuſtoms and exactions, as is above mentioned, and be thereof lawfully convicted, that then he or they ſo doing and offending contrary to this act, to incur and ſtand in the dangers of the ſtatute heretofore provided for robberies by the King's highway, and the ſame to be tried before the juſtices of the peace in their next ſhire adjoinant, according to the law of this realm of *England*.

The penalty
of ſuch who
take unlawful
exactions.

Cattle ſtrayed,
being re-
covered with-
in a year, ſhall
be re-delivered
to the
owner.

V. And further be it enacted by the authority aforeſaid, That if any manner of beaſt or quick cattle of any of the King's true ſubjects, or others of the King's friends, at any time after the ſaid feaſt of the nativity of St. *John Baptiſt*, do come into any of the ſaid forests by ſtrays, thief-stolen or otherwiſe, and there be marked and ſeiſed by any of the ſaid foreſters, rulers, walkers, farmers or their aſſigns, or any of them, and the owner and owners, of the ſame cattle, within one year and a day then next enſuing, chance to find the ſaid cattle ſo taken, and lawfully prove the ſame to be his or their own proper cattle, that then the ſame cattle to be re-delivered to the owner or owners thereof, according to the ancient law of this realm of *England*; the ſaid owner and owners reaſonably paying for the keeping of ſuch cattle after the rate of the time that ſuch cattle ſhall have been in the cuſtody and keeping of any ſuch foreſters, rulers, walkers and farmers, or his or their aſſigns, in ſuch manner and form as heretofore hath been in like caſe uſed to be done by the law of this realm, of eſtrayed cattle claimed and proved by the owners within a year and a day next after the ſeiſing of the ſame cattle; (2) and if any of the ſaid foreſters, rulers, walkers, farmers, their aſſigns, or any of them, do deny the deliverance of any ſuch cattle, by them or any of them ſo ſeiſed or marked within any of the ſaid forests, after the owner or owners of them ſhall have duly and lawfully proved them to be his or their own proper goods and chattels as is afore ſaid, that then every ſuch foreſter, ruler, walker, farmer or their aſſigns, ſo doing and offending contrary to this act, to forfeit and pay unto the party grieved the double value of all ſuch cattle as ſhall be ſo taken and marked, and not re-delivered to the owner or owners as is aforeſaid: (3) and that the party grieved may have his action of detainue at the common law, of and for the ſame cattle, againſt every ſuch offender or offenders, and the ſame to be tried in the next ſhire adjoinant; in which action the defendant ſhall not be admitted to wage his law, nor eſſoin nor protection ſhall be allowed for them: and like proceſs of outlawry to be
had

The penalty
for detaining
cattle ſtrayed.

d and made in the said action of detinue in the next shire joinant, against every forester, ruler, walker, farmer or their heirs, so offending contrary to the tenor of this act, as in an action of trespass at the common law of this realm is used.

C A P. VIII.

an act that the King's spiritual subjects shall pay no tenths of their spiritual promotions for that first year for which they paid their first-fruits.

WHERE by a late act made in this parliament, for and concerning the grant made to the King's highness of the tenth of the yearly value of all spiritual possessions of this realm and of the first-fruits thereof, there appeareth by the words of the said act, that prelates and all other incumbents be charged to the payment of the tenth that shall be due to the King's highness in and for the first year after they shall be elected, preferred, presented, collated or admitted to any dignities, benefices, or other promotion spiritual, (2) and for the same first year shall also pay the whole first-fruits of their said dignities, benefices and promotions; which is a double charge: (3) for reformation whereof, the King's highness, for the entire and hearty love that his Grace beareth to the prelates and other incumbents, chargeable to the payment of the said tenth and first-fruits, of his excellent goodness is pleased and contented

No spiritual persons shall pay any tenth the same year they pay their first-fruits.

That it be enacted by authority of this present parliament, That whensoever any person or persons, from the first day of May, which shall be in the year of our Lord God one thousand five hundred thirty and six, shall be named, preferred, presented, collated, or by any other means appointed to have any archbishoprick, bishoprick, abbacy, monastery, priory, college, hospital, archdeaconry, deanry, provostship, prebend, parsonage, vicarage, chauntry, free chapel or other dignity, benefice or promotion spiritual, by virtue whereof they shall be charged or chargeable, as well for the payment of the tenth of every the said archbishoprick, bishoprick, abbacy, monastery, priory, college, hospital, archdeaconry, deanry, provostship, prebend, parsonage, vicarage, chauntry, free chapel, or other dignity, benefice or promotion spiritual, as with the payment of the first-fruits of the same, and every of the same, shall at his or their composition, agreement, or entry into specialty or specialties for the payment of the said first-fruits, have allowance and deduction of the said tenth part of the whole out of the sum to be paid for the said first-fruits for the year wherein he or they shall be first nominated, preferred, presented, collated, or by any other means appointed to have any of the said dignities, benefices, offices, or other promotions spiritual, according to the just rate, taxation and assessment of the tenth of every of the said archbishoprick, bishoprick, abbacy, monastery, priory, college, hospital, archdeaconry, deanry, provostship, prebend, parsonage, vicarage, chauntry, free chapel or other dignity,

benefice, office or promotion spiritual within this realm, or elsewhere within any of the King's dominions, of what name, nature or quality soever they be, or to whose foundation, patronage or gift soever they belong, now being inrolled, or that hereafter shall be inrolled in the King's exchequer, or in any other the King's courts of record.

Every person authorized to compound for first-fruits, may deduct the tenth part out of the first-fruits.

II. And be it further enacted, That every commissioner or commissioners, or other the King's officers or ministers, or any other person or persons, which either by authority of any act of parliament, or by commission or commissions under the King's great seal, or otherwise by his Grace's commandment, or by the commandment of such as by his Highness shall be authorized for that purpose, be appointed, assigned or deputed, or that hereafter shall be appointed, authorized, assigned or deputed to compound, agree and receive bonds and specialties to his Majesty's use, for payment of the said first-fruits of every of the said dignities, benefices, offices or other promotions spiritual, shall and may by force of this act, from the said first day of *May* for ever forward, have authority to deduct and allow unto every such person or persons as from the aforesaid first day of *May* shall be nominated, preferred, presented, collated, or by any other means appointed to have any of the said archbishoprick, bishoprick, abbacy, monastery, priory, college, hospital, archdeaconry, deanry, provostship, prebend, parsonage, vicarage, chauntry, free chapel, or other dignity, benefice, office, or promotion spiritual, the tenth part of the whole, as is aforesaid, out of the same first-fruits for the year wherein he or they shall be first nominated, preferred, presented, collated, or by any other means appointed unto every of the same, as is aforesaid, without any further suit to be made to the King's highness, and without imposition, exaction or other charge to be in any wise demanded or exacted of the person or persons so preferred, for the allowance unto them of the said tenth, for the said first year, in form above expressed; any thing or things in the said act of the grant of the said tenth and first-fruits to the contrary notwithstanding.

He that hath his tenth deducted out of the first-fruits, shall pay it to the King.
Lane 20.

III. And it is also enacted by the authority aforesaid, That all and every person and persons, that upon his or their composition and agreement for the first-fruits shall be defalked and allowed the tenth part of the whole sum of his or their dignities, benefices, offices or promotions spiritual, for the year wherein he or they shall be first nominated, preferred, presented, collated, or by any other means appointed unto any of the same as is above said, shall yield and pay the said tenth part unto the King's majesty, his heirs and successors, the said first year, in like manner and form, and at such day as is limited in the said act of the grant of the said tenth and first-fruits; any thing contained in this act to the contrary notwithstanding.

What remedy the successor

IV. Be it further enacted by the authority aforesaid, That in such cases where the successor of any incumbent shall be chargeable

able to the payment of such sums of money as shall be due of ^{shall have, who} and for the said tenth that shall happen to be behind unpaid in ^{is compelled to} the time or life of his predecessor, there every such successor may ^{pay the tenth} lawfully distrain such goods and chattels of his predecessor as ^{for his prede-} shall happen to be and remain in and upon the dignity, benefice or promotion spiritual, of the which the same tenth was behind and unpaid in the life or time of his predecessor, (2) and to retain the same goods and chattels till such time as the said predecessor, if he be alive, and if he be dead, then his executors or administrators, or such other to whom his goods or chattels should appertain, have fully satisfied and paid such sums of money as shall happen to be behind and unpaid of the said tenth; (3) and in case the said predecessor, his executors, administrators, or such other to whom his goods or chattels should appertain, within twelve days next after the distress thereof, do not satisfy the said sums of money, being behind of the said tenth as is aforesaid, that then for such default of payment, it shall be lawful to every such successor to cause the said goods and chattels so distrained, to be praised by two or three indifferent persons to be sworn for the same; (4) and according to the same appraising, to sell so much thereof as shall amount as well to the full satisfaction of the said sums of money being behind and unpaid of the said tenth in the life or time of his predecessor, as for the reasonable costs that shall be spent by the occasion of distraining and appraising of the same goods and chattels; (5) and in case no sufficient goods and chattels may be found in or upon such dignities, benefices or promotions spiritual, for the satisfaction of the said tenth, being behind unpaid, as is above-said, that then the predecessor by whom such tenth was due to be paid, if he be alive, and if he be dead, then his executors, administrators, and other to whom his goods and chattels shall appertain or belong, shall be compelled to the payment of the said tenth being behind and unpaid, as is aforesaid, by bill to be pursued in the King's chancery by the successor, that shall be chargeable for the same, or else by action or plaint of debt to be taken or commenced by such successor, by order of the common laws.

Rep. 2 & 3 Ph.
& M. c. 4. and
revived by 1 El,
c. 4.

CAP. IX.

Butchers may sell flesh during two years, as they did before the making of the statute of 24 H. 8. c. 3. and 25 H. 8. c. 1. not-EXP. withstanding the same statutes.

CAP. X.

An act concerning uses and wills.

WHERE by the common laws of this realm, lands tenements and hereditaments be not devisable by testament, (2) nor ought to be transferred from one to another, but by solemn livery and seisin, matter of record, writing sufficient made bona fide, without covin or fraud; (3) yet nevertheless divers and sundry imaginations, subtle inventions and practices have been used, whereby the hereditaments of this realm have been conveyed from one to another by fraudulent feoffments, fines,

1 Co. 123.
1 Leon. 14.
2 Leon. 16.
Lane 93.
How by the
common law
lands ought to
be transferred
from one per-
son to another.

3 Bulfr. 125,
252.
Godbolt 199.
pl. 416.

Several incon-
veniences en-
fuing by con-
veyance of
lands to ufes,
and by the de-
vifing them by
wills.

2 Roll 160, 327,
385.
2 Roll 170, 335,
336.
Poph. 21, 70.
Lloyd v. Spil-
lit in Chan.
Hill. 1740.

The poffeffion
of lands fhall
be in him or
them that
have the ufe.

1 Leon. 258.
2 Leon. 6, 15.
3 Cr. 903.
7 Co. 162.
8 Co. 94.
21 Co. 24.
Cro. El. 46.
pl. 2.
Cro. Jac. 6.
401, 453.
Cro. Car. 44.
218.
1 Anderf. 337.
Bro. feoffm. al
ufes 55, 56, 58.
Plowd. 111,
146.
1 Moor 859,
pl. 1180.

*recoveries and other affurances craftily made to fecret ufes, intents and trusts; (4) and alfo by wills and testaments, fometime made by rude parolx and words, fometime by figns and tokens, and fometime by writing, and for the moft part made by fuch perfons as be vifited with ficknefs, in their extreme agonies and pains, or at fuch time as they have fcarcely had any good memory or remembrance; (5) at which times they being provoked by greedy and covetous perfons lying in wait about them, do many times difpofe indiscreetly and unadvifedly their lands and inheritances; (6) by reason whereof, and by occafion of which frau-
dulent feoffments, fines, recoveries and other like affurances to ufes, confidences and trusts, divers and many heirs have been unjuftly at fun-
dry times difperfed, the lords have loft their wards, marriages, re-
liefs, barriots, efcheats, aids pur fair fits chivalier, & pur file ma-
rier, (7) and fcarcely any perfon can be certainly affured of any lands
by them purchafed, nor know furely againft whom they fhall ufe their
actions or executions for their rights, titles and duties; (8) alfo men
married have loft their tenancies by the curtefy, (9) women their dower,
(10) manifefit perjuries by trial of fuch fecret wills and ufes have
been committed; (11) the King's highnefs hath loft the profits and ad-
vantages of the lands of perfons attainted, (12) and of the lands craft-
ily put in feoffments to the ufes of aliens born, (13) and alfo the
profits of wafte for a year and a day of lands of felons attainted, (14)
and the lords their efcheats thereof; (15) and many other inconve-
niences have happened, and daily do encrease among the King's fub-
jects, to their great trouble and inquietnefs, and to the utter fub-
verfion of the ancient common laws of this realm; (16) for the
extirping and extinguifhment of all fuch fubtle practifed feoffments,
fines, recoveries, abufes and errors heretofore ufed and accuftom-
ed in this realm, to the fubverfion of the good and ancient laws of
the fame, and to the intent that the King's highnefs, or any other
his fubjects of this realm, fhall not in any wife hereafter by any means
or inventions be deceived, damaged or hurt, by reason of fuch trusts,
ufes or confidences: (17) it may please the King's moft royal ma-
jefty, That it may be enacted by his Highnefs, by the affent of
the lords fpiritual and temporal, and the commons, in this pre-
fent parliament affembled, and by the authority of the fame, in
manner and form following; that is to fay, That where any per-
fon or perfons ftand or be feized, or at any time hereafter fhall
happen to be feized, of and in any honours, caftles, manors,
lands, tenements, rents, fervices, reverfions, remainders or other
hereditaments, to the ufe, confidence or trust of any other per-
fon or perfons, or of any body politick, by reason of any bar-
gain, fale, feoffment, fine, recovery, covenant, contract, agree-
ment, will or otherwife, by any manner means whatfoever it be;
that in every fuch cafe, all and every fuch perfon and perfons,
and bodies politick, that have or hereafter fhall have any fuch
ufe, confidence or trust, in fee-fimple, fee-tail, for term of life
or for years, or otherwife, or any ufe, confidence or trust, in
remainder or reverter, fhall from henceforth ftand and be feized,
deemed and adjudged in lawful feifin, eftate and poffeffion of
and in the fame honours, caftles, manors, lands, tenements,
rents,*

rents, services, reversions, remainders and hereditaments, with their appurtenances, to all intents, constructions and purposes in the law, of and in such like estates as they had or shall have in use, trust or confidence of or in the same; (19) and that the estate, title, right and possession that was in such person or persons that were, or hereafter shall be seized of any lands, tenements or hereditaments, to the use, confidence or trust of any such person or persons, or of any body politick, be from henceforth clearly deemed and adjudged to be in him or them that have, or hereafter shall have, such use, confidence or trust, after such quality, manner, form and condition as they had before, in or to the use, confidence or trust that was in them.

II. And be it further enacted by the authority aforesaid, That where divers and many persons be, or hereafter shall happen to be, jointly seized of and in any lands, tenements, rents, reversions, remainders or other hereditaments, to the use, confidence or trust of any of them that be so jointly seized, that in every such case that those person or persons which have or hereafter shall have any such use, confidence or trust in any such lands, tenements, rents, reversions, remainders or hereditaments, shall from henceforth have, and be deemed and adjudged to have only to him or them that have, or hereafter shall have any such use, confidence or trust, such estate, possession and seisin, of and in the same lands, tenements, rents, reversions, remainders and other hereditaments, in like nature, manner, form, condition and course, as he or they had before in the use, confidence or trust of the same lands; tenements or hereditaments; (2) saving and reserving to all and singular persons, and bodies politick, their heirs and successors, other than those person or persons which be seized, or hereafter shall be seized, of any lands, tenements or hereditaments, to any use, confidence or trust, all such right, title, entry, interest, possession, rents and action, as they or any of them had, or might have had before the making of this act,

III. And also saving to all and singular those persons, and to their heirs, which be, or hereafter shall be seized to any use, all such former right, title, entry, interest, possession, rents, customs, services and action, as they or any of them might have had to his or their own proper use, in or to any manors, lands, tenements, rents or hereditaments, whereof they be, or hereafter shall be seized to any other use, as if this present act had never been had nor made; any thing contained in this act to the contrary notwithstanding.

IV. And where also divers persons stand and be seized of and in any lands, tenements or hereditaments, in fee-simple or otherwise, to the use and intent that some other person or persons shall have and perceive yearly to them, and to his or their heirs, one annual rent of x. li. or more or less, out of the same lands and tenements, and some other person one other annual rent, to him and his assigns for term of life or years, or for some other special time, according to such intent and use as hath been heretofore declared, limited and made thereof:

Assurance made of divers to the use of one or some of them.
13 Co. 55, 56.
2 Roll 246.

Saving of the right of strangers.

Saving of the right of the feoffees to use.
2 Lev. 126, 127.
1 Salk. 241.
1 Anderl. 84.
2 Roll 105, 245.
7 Co. 39.
Dyer, 349.
Moor 196.
pl. 345.
Jones 179.

Land affured
to the ufe, that
rent fhould be
paid out
thereof to
Some other.
1 Anderf. 275,
338.

V. Be it therefore enacted by the authority aforefaid, That in every fuch cafe the fame perfons, their heirs and affigns, that have fuch ufe and intereft, to have and perceive any fuch annual rents out of any lands, tenements or hereditaments, that they and every of them, their heirs and affigns, be adjudged and deemed to be in poffeffion and feifin of the fame rent, of and in fuch like eftate as they had in the title, intereft or ufe of the faid rent or profit, and as if a fufficient grant, or other lawful conveyance had been made and executed to them, by fuch as were or fhall be feized to the ufe or intent of any fuch rent to be had, made or paid, according to the very truft and intent thereof, (2) and that all and every fuch perfon and perfons as have, or hereafter fhall have, any title, ufe and intereft in or to any fuch rent or profit, fhall lawfully diftrain for non-payment of the faid rent, and in their own names make avowries, or by their bailiffs or fervants make confifcances and juftifications, (3) and have all other fuits, entries and remedies for fuch rents, as if the fame rents had been actually and really granted to them, with fufficient claufes of diftreff, re-entry, or otherwife, according to fuch conditions, pains, or other things limited and appointed, upon the truft and intent for payment or furety of fuch rent.

A woman fhall
not have both
a jointure and
dower of her
husband's
lands.
Co. pl. f. 171.
172.
4 Co. 2.

VI. And be it further enacted by the authority aforefaid, That whereas divers perfons have purchafed, or have eftate made and conveyed of and in divers lands, tenements and hereditaments unto them and to their wives, and to the heirs of the husband, or to the husband and to the wife, and to the heirs of their two bodies begotten, or to the heirs of one of their bodies begotten, or to the husband and to the wife for term of their lives, or for term of life of the faid wife; (2) or where any fuch eftate or purchafe of any lands, tenements, or hereditaments, hath been or hereafter fhall be made to any husband and to his wife, in manner and form expreffed, or to any other perfon or perfons, and to their heirs and affigns, to the ufe and behoof of the faid husband and wife, or to the ufe of the wife, as is before rehearfed, for the jointer of the wife; (3) that then in every fuch cafe, every woman married, having fuch jointer made or hereafter to be made, fhall not claim, nor have title to have any dower of the refidue of the lands, tenements or hereditaments, that at any time were her faid husband's, by whom ſhe hath any fuch jointer, nor fhall demand nor claim her dower of and againft them that have the lands and inheritances of her faid husband; (4) but if ſhe have no fuch jointer, then ſhe fhall be admitted and enabled to purfue, have and demand her dower by writ of dower, after the due courfe and order of the common laws of this realm; this act, or any law or provision made to the contrary thereof notwithstanding.

4 Co. 1, &c.
Dyer, 61, 97,
228, 248, 266,
317, 340.
Co. Lit. 36. b.

A woman fhall
be endowed,
whole jointure
is recovered.
Moor 717.

VII. Provided alway, That if any fuch woman be lawfully expulſed or evicted from her faid jointer, or from any part thereof, without any fraud or covin, by lawful entry, action, or by difcontinuance of her husband, then every fuch woman fhall

be endowed of as much of the residue of her husband's tenements or hereditaments, whereof she was before dowable, as the same lands and tenements so evicted and expelled shall amount or extend unto.

VIII. Provided also, That this act, nor any thing therein contained or expressed, extend or be in any wise hurtful or prejudicial to any woman or women heretofore being married, of, for or concerning such right, title, use, interest or possession, as they or any of them have, claim or pretend to have for her or their jointer or dower, of, in or to any manors, lands, tenements, or other hereditaments of any of their late husbands, being now dead or deceased; any thing contained in this act to the contrary notwithstanding.

Women heretofore married.

IX. Provided also, That if any wife have, or hereafter shall have any manors, lands, tenements or hereditaments unto her given and assured after marriage, for term of her life, or otherwise in jointer, except the same assurance be to her made by act of parliament, and the said wife after that fortune to overlive her said husband, in whose time the said jointer was made or assured unto her, that then the same wife so overliving shall and may at her liberty, after the death of her said husband, refuse to have and take the lands and tenements so to her given, appointed or assured during the coverture, for term of her life, or otherwise in jointer, except the same assurance be to her made by act of parliament, as is aforesaid, (2) and thereupon to have, ask, demand and take her dower by writ of dower or otherwise, according to the common law, of and in all such lands, tenements and hereditaments as her husband was and stood seized of any state of inheritance at any time during the coverture, any thing contained in this act to the contrary thereof notwithstanding.

A jointure made after marriage may be taken or refused by the wife.
Moor 721.

X. Provided also, That this present act, or any thing herein contained, extend nor be at any time hereafter interpreted, expounded or taken, to extinct, release, discharge or suspend any statute, recognizances or other bond, by the execution of any estate, of or in any lands, tenements or hereditaments, by the authority of this act, to any person or persons, or bodies politick; any thing contained in this act to the contrary thereof notwithstanding.

This statute shall extinct, or shall no statute or recognizance, &c.

XI. *And forasmuch as great ambiguities and doubts may arise of the validity and invalidity of wills heretofore made of any lands, tenements and hereditaments, to the great trouble of the King's subjects;* (2) the King's most royal majesty minding the tranquillity and rest of his loving subjects, of his most excellent and accustomed goodness is pleased and contented that it be enacted by the authority of this present parliament, That all manner true and just wills and testaments heretofore made by any person or persons deceased, or that shall decease before the first day of May, that shall be in the year of our Lord God 1536. of any lands, tenements or other hereditaments, shall be taken and accepted good and effectual in the law, after such fashion, manner and form

Wills made before the statute, or shortly after, how they shall be taken.

Dyer, 143.

as they were commonly taken and used at any time within forty years next afore the making of this act; any thing contained in this act, or in the preamble thereof, or any opinion of the common law to the contrary thereof notwithstanding.

How fines for alienation, reliefs and harriots, shall be paid to the King.
6 Co. 28.

XII. Provided always, That the King's highness shall not have, demand or take any advantage or profit, for, or by occasion of the executing of any estate, only by authority of this act, to any person or persons, or bodies politick, which now have, or on this side the said first day of *May*, which shall be in the year of our Lord God 1536. shall have any use or uses, trusts or confidences in any manors, lands, tenements or hereditaments holden of the King's highness, by reason of primer seisin, livery, *ouster le main*, fine for alienation, relief or harriot; (2) but that fines for alienations, reliefs and harriots, shall be paid to the King's highness, and also liveries and *ouster les mains* shall be used for uses, trusts and confidences to be made and executed in possession by authority of this act, after and from the said first day of *May*, of lands and tenements, and other hereditaments holden of the King, in such like manner and form, to all intents, constructions and purposes, as hath heretofore been used or accustomed by the order of the laws of this realm.

Other lords fines, reliefs and harriots.

XIII. Provided also, That no other person or persons, or bodies politick, of whom any lands, tenements or hereditaments be or hereafter shall be holden mediate or immediate, shall in any wise demand or take any fine, relief or harriot, for or by occasion of the executing of any estate by the authority of this act, to any person or persons, or bodies politick, before the said first day of *May*, which shall be in the year of our Lord God 1536.

Cestuy que use may take all such advantages as his seoffees might have had.

XIV. And be it enacted by authority aforesaid, That all and singular person and persons, and bodies politick, which at any time on this side the said first day of *May*, which shall be in the year of our Lord God 1536. shall have any estate unto them executed of and in any lands, tenements or hereditaments, by the authority of this act, shall and may have and take the same or like advantage, benefit, voucher, aid, prayer, remedy, commodity and profit by action, entry, condition or otherwise, to all intents, constructions and purposes, as the person or persons seised to their use of or in any such lands, tenements or hereditaments so executed, had, should, might or ought to have had at the time of the execution of the estate thereof, by the authority of this act, against any other person or persons, of or for any waste, disseisin, trespass, condition broken, or any other offence, cause or thing concerning or touching the said lands or tenements so executed by the authority of this act.

Actions now depending.

XV. Provided also, and be it enacted by the authority aforesaid, That actions now depending against any person or persons seised of or in any lands, tenements or hereditaments, to any use, trust or confidence, shall not abate ne be discharged for or by reason of executing of any estate thereof by authority of this act,

act, before the ſaid firſt day of *May*, which ſhall be in the year of our Lord God 1536. any thing contained in this act to the contrary notwithstanding.

XVI. Provided alſo, That this act, nor any thing therein contained, ſhall not be prejudicial to the King's highneſs for wardſhips of heirs now being within age, nor for liveries, or for *ouſter le mains*, to be ſued by any perſon or perſons now being within age, or of full age, of any lands or tenements unto the ſame heir or heirs now already deſcended; any thing in this act contained to the contrary notwithstanding.

Wardſhips, liveries, or ouſter le main, of any now being within age, or of full age.

XVII. Provided alſo, and be it enacted by the authority aforeſaid, That all and ſingular recognizances heretofore known, taken or made to the King's uſe, for or concerning any recoveries of any lands, tenements or hereditaments heretofore ſued or had, by writ or writs of entry upon diſſeiſin *in le poſt*, ſhall from henceforth be utterly void and of none effect, to all intents, conſtructions and purpoſes.

Recognizances taken to the King's uſe concerning recoveries.

XVIII. Provided alſo, That this act, nor any thing therein contained, be in any wiſe prejudicial or hurtful to any perſon or perſons born in *Wales* or the marches of the ſame, which ſhall have any eſtate to them executed by authority of this act, in any lands, tenements or other hereditaments within this realm, whereof any other perſon or perſons now ſtand or be ſeized to the uſe of any ſuch perſon or perſons born in *Wales* or the marches of the ſame; but that the ſame perſon or perſons born in *Wales*, or the marches of the ſame, ſhall or may lawfully have, retain and keep the ſame lands, tenements or other hereditaments, whereof eſtate ſhall be ſo unto them executed by the authority of this act, according to the tenor of the ſame; any thing in this act contained, or any other act or proviſion heretofore had or made to the contrary notwithstanding.

Eſtates of lands executed to perſons born in *Wales*.

C A P. XI.

For clerks of the ſignet.

WHEREAS the King's clerks of his Grace's ſignet and privy ſeal, giving their daily attendance for the paſſing and writing of his Maſteſty's great and weighty affairs, and the cauſes of this his realm, having for their entertainment, and their clerks, no fees nor wages certain for thoſe offices, other than ſuch fees as cometh and groweth of the ſaid ſignet and privy ſeal; (2) to the intent that from henceforth they ſhould not by any manner of means be defeated of any part or portion of the ſame their fees: be it therefore ordained, eſta- bliſhed and enacted, by the conſent and aſſent of the lords ſpi- ritual and temporal, and the commons, in this preſent parlia- ment aſſembled, and by authority of the ſame, That all and every gift, grant and other writing, which ſhall be made or given in writing by the King's highneſs, or any his moſt noble poſte- rity, to any perſon or perſons, ſigned with his Grace's ſign, or the ſign or ſigns manual of any of them, to be paſſed under any his Grace's great ſeals of *England*, *Ireland*, duchy of *Lancaster*, or any of his Highneſs counties palatines, or principality of *Wales*, or

The courſe of ſuing forth gifts and grants made under the King's ſign manual, and the clerk of the ſignet's fees.

or by other process out of the *Exchequer*, after the fifteenth day of *April* in the twenty-seventh year of his most noble reign, (3) and that all and every gifts, grants and other writings, of what name or names, quality or qualities soever the same be, or hereafter shall be named, deemed or called, which the master of the King's wards, or general surveyors of the King's lands, for the time being, or any other officer or officers that now be, or hereafter shall be made, shall by virtue of an act of parliament, or any the King's grants to them, or any of them made, or hereafter to be made in that behalf, give, grant or make, after the aforesaid fifteenth day of *April*, to any person or persons in the King's name, to be passed under any his Majesty's seals, (4) be in any wise first, and before the same grant, or any of them, be passed under any the King's said seals, or other process made of the same, brought and delivered to the King's principal secretary, or to one of the King's clerks of his Grace's signet for the time being, to be at the said office of the signet passed accordingly.

The King's grants shall be brought to the secretary or clerk of the signet.
3 Co. 18.

A warrant by the clerk of the signet to the lord keeper of the privy seal.

II. And be it also ordained and enacted by the authority aforesaid, That one of the clerks of the said signet, to whom any of the said writings signed with the King's most gracious hand, or the hand of any other aforesaid, or any of them, fortune to be delivered, may and shall by warrant of the same bills, and every of them, within the space of eight days next after he shall have received the same, unless he have knowledge by the said secretary, or otherwise, of the King's pleasure to the contrary, make or cause to be made in the King's name, letters of warrant subscribed with the hand of the same clerk, and sealed with the King's signet, to the lord keeper of the King's privy seal, for further process to be had in that behalf; (2) and that one of the King's clerks of the said privy seal, upon due examination had by the said lord keeper of the said privy seal, of the said warrant to him addressed from the office of the said signet as afore, may and shall, within the space of eight days next after he shall have received the same, unless the lord keeper of the privy seal do give them commandment to the contrary, make or cause to be made, by warrant of the aforesaid warrant to the said lord keeper of the privy seal, address from the office of the signet aforesaid, other letters of like warranty, subscribed with the name of the same clerk of the privy seal, to the lord chancellor of *England*, lord keeper of the great seal, chancellor of the duchy of *Lancaster*, chancellor of the King's land of *Ireland*, treasurer and chamberlains of the exchequer, and chamberlains of any of his counties palatines, or principality of *Wales*, or other officer, and to every of them, for the writing and en sealing with such seals as remain in their custody, of letters patent or closed, or other process making, due and requisite to be had or made upon any the said grants, according to the tenor of the warrant to them or any of them directed from the officer of the privy seal, as is afore specified.

A warrant from the privy seal to the great seal, &c.

III. And also be it enacted by the authority aforesaid, That
no

o manner clerk or clerks, or other perſon or perſons, do write or make any manner of writing, warrant or warrants upon any manner gift or grant made by the King's highneſs, or by any other his Grace's officers as aforeſaid, or procure the ſame, or any of the ſame to be paſſed under any the ſeals aforeſaid, after any other ſort, manner or faſhion, or by any other warrant or warrants than as before is ſpecified and declared, (2) upon pain of forfeit for every bill, warrant or writing paſſed contrary to the order before limited and preſcribed, the ſum of x. li. ſterling, the one half thereof to be to our ſovereign lord the King, and the other half to him that ſhall firſt ſue for the ſame by action of debt, writ, bill, plaint or information in any the King's courts; in which action or ſuit, no eſſoin, protection, privilege, nor wager of law ſhall be admitted; any manner act, ſtatute, provision, proclamation or other ordinance heretofore had or made, contrary to this preſent act, or any article of the ſame, in any wiſe notwithstanding.

The penalty for altering of the courſe aforeſaid.

IV. And nevertheleſs be it alſo enacted, That every of the ſaid clerks, or other perſon, which ſhall paſs in writing, or procure to be paſſed in writing, any grant or grants by immediate warrant, wherefore fees be paid at the great ſeal, ſhall of the parties receive for the offices of the ſaid ſignet and privy ſeal, as well ſuch fees as in this act is taxed for writing of any ſuch warrant or other writings, as alſo the fees for the ſeal of the ſame; (2) which fees, and every part or portion thereof, the ſame clerk or clerks, by whom any grant ſhall paſs in writing by immediate warrant, ſhall, upon a bill of the hand of one of the ſaid clerks of the ſaid ſignet or privy ſeal, deliver unto one of the ſame clerks of the ſignet or privy ſeal, within the ſpace of three months next and immediately enſuing after the paſſing and ſealing of any the ſaid grant or grants by immediate warrant, (3) upon pain of x. li. ſterling, to be by every ſuch of the ſaid clerks, or other perſon, as ſhall offend, forfeited, to be levied in form aforeſaid, as often as he or they ſhall offend contrary to the meaning of his act.

Fees for writings which paſs by immediate warrant.

V. Provided alſo, That this act, or any thing contained in the ſame, be not in any wiſe prejudicial to the lord treaſurer of *England* for the time being, concerning ſuch warrants or precepts, as he by virtue of his office ſhall and may direct immediately to the lord chancellor of *England*, or to any other perſon or perſons for making out of the King's grants or letters patents to any perſon or perſons, of any offices, farms of lands or tenements, or of any other thing belonging to his nomination or diſpoſition; (2) but that ſo well he may direct his ſaid warrants or precepts for the cauſes aforeſaid, as alſo his clerk or clerks, or other perſon, may procure the ſame to be ſealed under any of the ſeals aforeſaid, without any warrant to be before or after ſued or obtained under the King's ſignet or privy ſeal for the ſame, in as large and ample manner, and after ſuch ſort and faſhion, as he or they might have done at any time before the making of this act; any thing in the ſame act mentioned to the contrary notwithstanding.

This act ſhall not prejudice the lord treaſurer for directing of warrants to the great ſeal.

Leases of the
duchy lands
may pass un-
der the seal of
the same
duchy.
4 Inst. 200.

VI. Provided also, That all and every lease and leases of the King's manors, lands, tenements, possessions, or other profits or hereditaments within the county palatine of *Lancaster*, or of the duchy of *Lancaster* out of the said county palatine, which the chancellor of the duchy of *Lancaster* for the time being, or the chancellor of the said county palatine for the time being, or either of them, shall hereafter make or grant in the name of the King our sovereign lord, his heirs or successors, to any manner person or persons, shall and may pass and be passed under the seals of the said duchy of *Lancaster*, or of the said county palatine of *Lancaster*, or of either of them, in manner and form as heretofore hath been used and accustomed; any thing in this present act before made to the contrary notwithstanding.

A grant of a
small office in
the duchy.

VII. Provided also, That all and every gift, grant and patent of any manner office or offices, or any other thing being, or which hereafter shall be in the county palatine of *Lancaster*, or of the said duchy of *Lancaster* out of the said county palatine, the yearly wages or fees whereof amounteth not over and above the value of ii. d. by the day, shall and may pass and be passed by the said chancellor of the duchy of *Lancaster*, or by the said chancellor of the said county palatine; or of either of them for the time being, in manner and form as heretofore hath been used and accustomed; any article or thing in this present act before made to the contrary notwithstanding.

What fees in
several cases
the clerk of the
signet shall
have.

VIII. And to the intent that as well such as now be, or hereafter shall be ministers and clerks of the King's signet and privy seal, should have and take honest and sufficient salary and reward for the writing of the said warrants to be by them made as aforesaid; as also the King's most loving, faithful and obedient subjects, knowing the certain charges to be by them laid out for the writing of the said warrants, should not by any manner exaction or other sinister means, be constrained by any the said clerks to pay more large and excessive fees for the writing of the same, than reason and conscience shall require: (2) be it enacted by the authority aforesaid, That all and every clerk and clerks of the said signet and privy seal shall have and take for his or their writing of a warrant upon a bill for *tales* or reward, xij. d. (3) for the writing of a warrant for the gift of every office, xx. d. (4) for the writing of a warrant for a pension, annuity or wages, xx. d. (5) for the writing of a warrant for a special livery or other perpetuity, vi. s. viij. d. (6) for the writing of a warrant upon every bill for a *Conge desler*, royal assent, restitution of temporalities, donatives, advocations, presentations, or other ecclesiastical matter, iij. s. iv. d. (7) for the writing of every warrant upon a placard, licence, pardon, or sheriffs reward, ij. s. (8) for the writing of every warrant upon a denizen, iij. s. iv. d. (9) for the writing of a warrant for keeping of an ideot, xx. d. (10) for the writing of a warrant for keeping of a ward, iij. s. iv. d. (11) and that no manner of clerk or clerks of the signet or privy seal aforesaid shall take for the writing of any manner warrant above specified, more large and ample fees than before is prescribed and

appointed, (12) upon pain of x. li. sterling to be by him forfeited, that shall offend contrary to the true tenor and meaning of the said act; the one half thereof to be to the King our sovereign lord, the other half to him that shall first sue for the same by bill, action, plaint or information in any of the King's courts; in which action or suit no essoin, protection or wager of law shall be admitted.

The penalty for taking more or larger fees.

IX. Provided also, That the lord chancellor of *England* for the time being shall and may at all times use his discretion in passing and speeding any thing by the great seal, and delivering the same, without paying any fees for the great seal, signet and privy seal, as the case of necessity shall require, and as hath been accustomed; and that the clerks for writing, or procuring such writings and patents by his commandment, shall be discharged of all penalties expressed before in this act, for not receiving and paying fees to the signet and privy seal; any thing in this act contained to the contrary hereof notwithstanding.

The lord chancellor may pass things without fees.

X. And be it furthermore enacted by the authority aforesaid, That this present act, and every part and parcel thereof, shall extend to the court of augmentation of the revenues of the King's crown; and bind every officer and officers, their clerks and ministers, that now be, and hereafter shall be of the same court, to the observation thereof, and of every part thereof, for and concerning the sealing and writing of any manner patent, lease or other grant, which upon the King's bill signed shall pass the great seal of the same court; any special words contained in the act made in this present session for the establishment of the officers of the said court of the augmentation, or any other act or provision made to the contrary hereof in any wise notwithstanding.

This act shall bind every officer and clerk of the court of augmentations.

XI. Provided nevertheless, That this act, or any thing contained in the same, be not in any wise prejudicial to any manner person or persons whom the King's highness shall by express commandment direct, send or appoint, to procure any thing or things to be sealed with any his Majesty's seals, for or concerning his Majesty's private affairs, or the affairs of his Highness realm; (2) but that as well the same person or persons, being appointed by the King's highness as aforesaid, as also such officer and officers as shall have the keeping of any of the King's seals, their ministers and clerks, shall and may seal, write and deliver, and procure the sealing, writing and delivering of any such thing and things concerning the King's highness affairs as aforesaid, without being bound to procure any manner warrant, or paying any manner fees at or to the signet or privy seal for the same; (3) so that the name or names of every such person or persons, as shall procure the sealing of any such thing or things on the King's behalf as aforesaid, be entered in the clerk of the hanapens book after this sort, *Per A. ad mandatum Domini Regis*; any thing in this act contained to the contrary notwithstanding.

Sealing of things touching the King's private affairs, or the affairs of his realm.

XII. Provided also, That this act, nor any thing contained in the same, be not in any wise prejudicial to any manner person

The grant or lease of any farms under

the yearly rent
of vi. li. xiiij s.
iv. d.

son or persons, which hereafter shall have by the King's highness, or by any his Majesty's officers, the grant or lease of any manner farm or farms to be sealed with any his Highness seals the yearly rent whereof amounteth not above the sum of vi. li. xiiij. s. iv. d. sterling; (2) but that as well every such person and persons, as officer and officers, having the custody of such seal or seals, their ministers and clerks, may write, seal and deliver, to procure the writing, sealing and delivering of any such lease or leases as aforesaid, without paying therefore any manner fees at or to the signet or privy seal for the same; any thing in this act mentioned to the contrary notwithstanding.

CAP. XII.

The act for the true making of cloth.

An order for
true making of
woollen cloths.

Every clothier
shall weave his
mark in his
cloth, and set
his seal to it.

The penalty
for want in
length.

The clothier's
forfeiture
omitting his
duty.

FORASMUCH as great infamy and slander hath risen of late years in sundry outward parties beyond the sea, of the untrue making of woollen cloths within this realm, to the great derogation of the common weal of the same, and to the no little hindrance of the sale of the said commodity: (2) for remedy whereof, be it ordained and enacted by the King our sovereign lord, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That after the feast of St. Michael the archangel next coming, all and every clothier within this realm shall weave, or cause to be woven, his or their several token or mark in all and every cloth, kersey and other cloths, whatsoever they be, made and wrought to be uttered and sold: (3) and when any such cloth shall be ready made and dressed to be put to sale, every of the same clothiers shall set his seal of lead unto every of the same his or their cloths and kersyes, in which seal of lead shall be contained the true and just length of every of the same cloths or kersyes, as it shall be duly found by every buyer of the same, upon due proof thereof to be tried by the water: (4) and in case upon any such proof to be made by any buyer of them at the water, there shall be found less or smaller content in length than is contained and specified in every of their said seals, then every of the said clothiers making such default, shall lose and forfeit, unto every such buyer of the same, the double value of so much cloth as shall want and lack of the said content in length, at the only sight and judgment of any two indifferent persons that shall measure the same cloths and kersyes. (5) And every clothier sending or putting any of their cloths to sale, before such time as all and every of the same cloths shall be sealed by the aulneger of the same counties where it shall chance any of the said cloths so to be made, and also to be ordered and sealed by every of the said clothiers in form aforesaid, shall lose and forfeit his cloth or cloths whatsoever they be; the one half thereof shall be to the King's highness, his heirs and successors, and the other half to him or them that will sue for the same by bill, plaint, action of debt or otherwise; in which action no wager of law, essoin or protection shall be allowed.

II. And it is further enacted by authority aforefaid, That The breadth of broad cloth. after the faid feaft of St. Michael the archangel, every broad cloth fhall contain in breadth feven quarters of a yard within the lifts at the leaft, and to hold the fame content always, if it be proved at the water; the act made in the firft year of the reign of our faid fovereign lord, that every broad cloth fhould contain two yards in breadth within the lifts, or any other thing herein contained, touching the keeping of the fame breadth of two yards, in any wife notwithstanding. (2) And every kersey fhall contain in breadth one yard within the lifts at the leaft, if it be proved in the water, upon pain to forfeit for every fuch broad cloth iij. s. iv. d. and for every fuch kersey xx. d. to be recovered, to the ufe of the King's highnefs, and of any other that will fue for the fame in manner and form before declared.

The breadth of kerseys. Rep. 33 H. 8. c. 18.

III. Provided always, That this prefent act extend not to any cloths called fet cloths, of all forts, made in the county of Suffolk, not exceeding the price of xlvi. s. viij. d. the cloth; nor to any cloths called taveftocks, weftern dozens, frizes, kendals, cottons, and all manner of coarfe cloths made for linings.

To what cloths this ftatute doth not extend.

IV. And be it further enacted by the faid authority, That the fulneger of any county fhall not feal any of the faid cloths with the King's feal, until fuch time as they and every of them fhall firft be ordered and fealed with their contents, according to the true meaning of this prefent act, in form aforefaid, upon pain of lofing of his office; (2) and that no buyer of any of the faid cloths or kerseys, marked and fealed in form aforefaid, prefume by any manner of fteight, means or engines, to draw; pull or stretch out any of the fame cloths or kerseys, otherwife than to make them even after they be wet, and to agree with the contents fpecified and contained in the feal of every of the fame cloths and kerseys, as near as they can, upon pain to forfeit the double value of every fuch cloth or kersey fo mifufed, contrary to the true intent and meaning of this prefent act, to be levied to the ufe of the King's highnefs, and of any other that will fue for the fame, in like manner and form as is before declared.

When the fulneger fhall feal.

How far the buyers of cloths or kerseys may draw or stretch them.

V. Provided alway, That all cloth hereafter made to be fold within the city of Worcester, the towns of Droitwich, Evesham, Kederminfter and Eromefgrove, in the county of Worcester, fhall be fealed with the feal of the fearchers there, according to an act of parliament in that behalf provided and made the five and twentieth year of the reign of our faid fovereign lord; (2) and that the owners of the cloths made within the faid city and towns, fhall not be compelled by this act to put their own feals on any cloths there made or hereafter to be made.

Cloth made in Worcester, &c. fhall be fealed according to the act therefore provided. 25 H. 8. c. 18. 5 & 6 Ed. 6. c. 6. f. 50. See 10. Annæ, c. 16

CAP. XIII.

For cloths whites of iv. li. and not above, and coloured cloths of iii. li. and not above, to be carried over the fea unbarbed and unshorn.

WHEREAS by act of parliament holden in the fifth year of the reign of our fovereign lord the King that now is, it was ordained The inconveniencies which

would enſue if *dained and enacted, That no woollen cloth above the price of five marks ſhould be conveyed over the ſea unrowed, unbarbed and unſhorn, upon certain penalties in the ſame act expreſſed more at large; (2) which act being put in execution, ſhall not only redound and turn to the abatement of the King's cuſtoms, but alſo grow to the utter undoing of his Grace's ſubjects, cloth-makers and merchants, conveyers of the ſaid cloths, by reaſon that wool is riſen to a far greater price than it was at the making of the aforeſaid act; for where a cloth was then commonly ſold at five marks, it is now ſold for four pounds; (3) and alſo by force of the ſaid act, the merchants ſhould be bound to dreſs every white cloth above the value of five marks on this ſide the ſea, after that they have bought them, which white cloth ſo dreſſed, when they be brought into the parties beyond the ſea, and there by the buyers of them dyed and put in colours, then they muſt be newly dreſſed, barbed, ſhorn and rowed, and ſo they ſhall be thereby the leſs in ſubſtance of themſelves, and the worſe to ſale, and ſold for leſs price by ten or twelve ſhillings apiece beyond the ſea, than they ſhould be undreſſed: Wherefore be it ordained and enacted by the King our ſovereign lord, his lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, That every white woollen cloth ſold for four pounds and under, and every coloured cloth ſold for three pounds and under, may be carried and conveyed into the parties beyond the ſea, there to be ſold at the pleaſure of the buyers of the ſaid cloth or cloths, unbarbed, unſhorn and unrowed; any act or acts to the contrary made notwithstanding.*

What cloths may be carried over ſea unbarbed, unſhorn, &c.

The penalties of the offenders.

By 33 H. 8. c. 19. the cloth, or the value thereof, to be forfeited.

3 H. 7. c. 11.
8 El. c. 6.

II. And over this be it ordained and enacted by the ſaid authority, That if any perſon or perſons ſend or convey, or cauſe to be ſent and conveyed, into the parts beyond the ſea, any white woollen cloth above the value of four pounds, or any coloured cloth above the price of three pounds, unrowed, unbarbed and unſhorn, in other form than is aforeſaid, that then the perſon or perſons ſo offending ſhall forfeit the value of the ſaid cloths ſo carried and conveyed into the parties beyond the ſea; (2) the one moiety of the ſaid forfeiture to be to the uſe of our ſaid ſovereign lord the King, and the other moiety to every perſon which will or ſhall ſue by bill, writ, information or otherwiſe, againſt any perſon for the ſame; and that the defendant in any plea upon any ſuch action be not admitted to wage his law, nor any protection or eſſoin for any ſuch defendant be allowed in the ſame.

CAP. XIV.

A bill concerning the cuſtom of leather.

In what manner cuſtom ſhall be taken for leather.

WHERE great quantity and much abundance of leather is daily conveyed out of this realm, as well by ſtrangers, as alſo by tanners, and other the King's ſubjects inhabited in divers parts of this realm, towards the ſea coaſts, and in ſpecially out of Wales, Cheſhire and Cornwall, where little or no cuſtom is paid for the ſame, which leather is commonly packed by the ſaid ſtrangers, tanners and other the King's ſubjects in their houſes, and ſo conveyed unto the ports and havens

avenens where they intend to ship the same; which packs, so conveyed and brought to such ports and havens to be shipped, be never there unacked, to be viewed what number of leather is contained in any such pack, but entered in the customers books by and upon the information and report of the said strangers, tanner or other person, transporter of the same leather; (2) and albeit that the King's highness in such places and ports bath very little custom paid for the same, yet forasmuch as in such places there is no better search nor view had for the perfect knowledge of the number and quantity of the leather so by them packed, the King's grace is much deceived of such his customs as ought therefore to accrue to his Highness; (3) for where in the port of London two persons be named and appointed, by the weigher of the wools within the said port for the time being, to tell and number all such leather by the hide, accounting ten hides to the dicker, and also all woofsels as within the same port shall be shipped from time to time, which two persons be sworn before the customers of his great custom, truly and duly to do and execute their offices, in telling and numbring all such leather and woofsels, in the presence of the said customers, and of the comptroller of the same custom, or of their deputies, who being present, and viewing the same, do make entry thereof in their books; (4) and after such tale made, and entry taken, another person, by the mayor of London for the time being constituted and appointed, is also sworn truly to pack the same leather so told and entered into the customers books, every of the same tellers and packers taking such fees for their labours as of old time have been used, limited and accustomed, (5) every stranger paying for custom of every dicker iv. s. ix. d. and every denizen iv. s. i. d. which like custom is also paid in the port of Hampton, but not in any other ports of this realm, and specially in Wales, Cheshire and Cornwall, out of the which parts, by reason of such small customs, more leather is conveyed over the sea, than out of other places of this realm, which is an occasion of the dearth and great prices of the same leather; (6) for the redress whereof, and to the intent that one manner of custom for every such dicker of leather so conveyed over the sea, as well by denizens as strangers, shall be paid throughout this realm, Wales, and other the King's dominions, and also that the King's highness may be the better assured of his customs to be paid for all such leather as shall be hereafter carried and conveyed over the sea: (7) Be it enacted by the authority of this present parliament, That from henceforth no manner of stranger or denizen shall pack, or cause to be packed, any manner of leather to be conveyed or shipped over the sea, out of this realm, Wales, or other the King's dominions, otherwise than in this act is expressed, that is to say, that all such leather shall be hereafter packed by a packer sworn in every such port where any leather shall be shipped to be conveyed out of this realm, Wales, or other the King's dominions, upon pain of forfeiture of all such leather as hereafter shall be packed contrary to the purport of this act, or of the value thereof; (8) and also that from henceforth every stranger and denizen, which shall ship, send or convey any leather over the sea, out of from any part of this realm, Wales, Cheshire, or other the King's dominions, shall pay like

The manner of telling of leather in London, and entering the same into customers books.

How much strangers and how much denizens do pay for the custom of a dicker of leather.

Leather to be carried beyond the sea shall be told and packed by a man sworn thereunto.

custom for the same as is used to be paid within the port of London that is to say, every stranger to pay for every dicker of leather for custom iv. s. ix. d. and every denizen iv. s. i. d.

The customers and comptrollers shall appoint tellers at ports where none be.

II. And be it also enacted, That within every port, haven and creek within this realm, *Wales*, and other the King's dominions, where no tellers nor packers at this present time be, nor before the making of this act have been, that from henceforth the customers and comptrollers of every such port, haven and creek, where such leather shall be shipped to be conveyed into the parties beyond the sea, shall have power by authority of this act to name, constitute and appoint one able person to tell and number all such leather as shall be at any time there shipped, (2) which person so named shall be sworn by the customer and comptroller of every such port haven and creek, duly and truly to execute his office in the presence of the customer and comptroller of every such port, creek or haven where any such leather shall be shipped, or of his or their deputy or deputies; (3) the same teller taking of every stranger for the telling of every dicker of leather vi. d. whereof the same teller to have for his labour ii. d. and iv. d. to be to the commonalty of the same town and port, toward the payment of their fee-farm, and other their charges; (4) and of every denizen, not being a freeman of the said port and haven, for every dicker iv. d. whereof the teller to have ii. d. and the other ii. d. to be to the commonalty of the same port or haven, for the intent above declared; (5) and of every dicker by any person being a freeman of such port and haven, but only ii. d. for his labour; (6) and that immediately after such tale had, and entry thereof made by the customer or his deputy, another able person named, deputed and assigned by the said customers and comptrollers of every such port and haven and before them sworn truly and duly to do and execute his office, shall pack all such leather so told and entered, every pack to contain as many dickers, under the number of seven dickers, as it shall please the merchant or owner thereof to appoint, taking for his labour for the packing of every pack iv. d.

The teller's fee for telling a dicker of leather.

A packer of leather shall be assigned, and his fee.

The several forfeitures of the packer and teller not performing their duties.

III. And be it further enacted by the said authority, That if any packer take upon him to pack any leather before it be told or numbered, and entry thereof made by the customer, or his deputy, or at any time pack more leather than shall be told and entered, according to the purport of this act, then the same packer to forfeit and lose for every time doing the contrary v. li. and to suffer therefore imprisonment at the King's pleasure; (2) and also that if the teller within any such port or haven, at any time hereafter, take upon him to tell or number any leather in the absence of the customer, comptroller, or of his or their deputy or deputies, then the same teller, for every time so doing, to lose and forfeit five marks.

IV. And forasmuch as divers strangers carry and convey their leather from one port to another, and by the way cause the same leather to be packed, which packs so conveyed be not undone nor opened at their arrival within the ports wherunto they be so transported,

but

that there only entered by and upon the report and information of the merchant stranger, or of his factor, whereby much custom is concealed:

(2) Be it therefore also enacted by the said authority, That if any stranger, or other his factor, at any time hereafter do convey and carry any leather from one port to another, to the intent to ship the same in such other port whereunto it shall be so conveyed, the same stranger, or other his factor for him, before such transporting of the same leather, shall cause the said leather first to be told within the same port from whence he will, or intendeth, to carry the same; (3) and the same so told cause to be entered by the customer of the same port, or his deputy, and cause to be also packed by the said packer of the said port where it shall be so told, taking of the customer or customers of the same port or haven, or of their deputy or deputies, a certificate expressing the number or quantity of dickers of all the same leather so to be carried and transported, directed to the customer of the other port or haven whereunto the same leather shall be so conveyed, making mention also in the same certificate, whether the custom thereof accordingly be truly paid, or not; (4) and in case any such leather be carried or conveyed from one port to another, there to be shipped, without having of such certificate, that then the same leather, or the value thereof, to be forfeited.

In what sort a stranger conveying leather from one port to another shall use it.

V. And be it further enacted, That no tanner within this realm, *Wales*, or other the King's dominions, or other persons occupying or having a tanhouse, shall from henceforth send or cause to be conveyed over the sea, by way of merchandise or otherwise, any manner of leather tanned or untanned, upon pain of forfeiture of all such leather, or the value thereof. (2) Nor that any person or persons at any time hereafter shall carry or convey over the sea out of this realm, *Wales*, or other the King's dominions, any salt or untanned hides, or any leather called backs or sole-leather, the King's special licence not obtained for the same, upon pain of forfeiture of all such hides and leather called backs or sole leather, or the value thereof; (3) the one half of all the said forfeitures to be to the King's highness; and the other half to any of his subjects that will pursue for the same in any his courts by action of debt, bill, plaint, information or otherwise; in which suit none essoin, protection, wager of law, or other dilatory plea for the defendant, shall be admitted or allowed.

None having a tan-house shall transport any manner of leather tanned or untanned.

VI. Provided always, That this act, or any thing therein contained, shall not be hurtful nor prejudicial to any captain of any ship in the time of war, being in the retinue and service of the King's highness, nor to any owner or master of any ship, being the King's subject, going into *Iseland*, *Dancke*, *Norway*, or southward beyond the straits; but that every such captain and master of every such ship during the war-time, and every master to such ships passing into the places before named, may and shall at their pleasure have and carry salt hides in their ships, so that every of them shall not have at such voyage,

The captain and the owner of a ship in some case excepted out of this statute.

or during the war, at any one time above the number of eight salt hides; this act or any thing therein contained to the contrary in any wise notwithstanding.

Hides untanned of beasts killed in Wales may be transported.

18 El. c. 9. f. 4.

VII. Provided always, That hides untanned of any beasts being killed within *Wales*, or the marches thereof, may be conveyed and carried into outward parties by any person or persons from time to time, except only by tanpers, and such as have tan-houses, in such and like manner as they might have been before the making of this act; any thing in the same mentioned to the contrary notwithstanding.

CAP. XV.

See 35 H. 8. c. 16. 3 & 4 Ed. 6. c. 11. Exp. and repealed by 1 & 2 Ph. & M. c. 8.

The King shall have authority to name xxxij. persons, viz. xvi. spiritual and xvi. temporal, to examine the canons and constitutions heretofore made according to the statute of 25 H. 8. c. 19. But no canons or constitutions shall be made without the King's assent, nor which be contrary to the King's prerogative or the laws of this realm.

CAP. XVI.

For inrollment of bargains and sales.

No land shall pass by bargain and sale, unless it be by writing indented, sealed and inrolled. 1 Bulstr. 163. 2 Inst. 671. Hob. 136, 222. 1 Roll. 424. 2 Roll. 105. 119, 204. Hob. 128, 140. Dyer, 155. 218. 2 Co. 36. 4 Co. 70. 7 Co. 40. 8 Co. 93. Cro. El. 166, 917. Cro. Car. 110. 129, 218. The fees for inrollment in the county. 1 Ander. 285. Extended to counties palatine by 5 El. c. 26.

BE it enacted by the authority of this present parliament, That from the last day of *July*, which shall be in the year of our Lord God 1536. no manors, lands, tenements or other hereditaments, shall pass, alter or change from one to another, whereby any estate of inheritance or freehold shall be made or take effect in any person or persons, or any use thereof to be made, by reason only of any bargain and sale thereof, except the same bargain and sale be made by writing indented sealed, and inrolled in one of the King's courts of record at *Westminster*, (2) or else within the same county or counties where the same manors, lands or tenements, so bargained and sold, lie or be, before the *Custos Rotulorum* and two justices of the peace, and the clerk of the peace of the same county or counties, or two of them at the least, whereof the clerk of the peace to be one; (3) and the same inrollment to be had and made within six months next after the date of the same writings indented; (4) the same *Custos Rotulorum*, or justices of the peace and clerk, taking for the inrollment of every such writing indented before them, where the land comprised in the same writing exceeds not the yearly value of forty shillings, ii. s. that is to say, xij. d. to the justices, and xij. d. to the clerk; (5) and for the inrollment of every such writing indented before them, wherein the land comprised exceeds the sum of xl. s. in the yearly value, v. s. that is to say, ii. s. vi. d. to the said justices, and ii. s. vi. d. to the said clerk for the inrolling of the same: (6) and that the clerk of the peace for the time being, within every such county, shall sufficiently inroll and ingross in parchment the same deeds or writings indented as is aforesaid; (7) and the rolls thereof at the end of every year shall deliver unto the said *Custos Rotulorum* of the same county for the time being, there to remain in the custody of the said *Custos Rotulorum* for the time being, amongst other records

records of every of the same counties where any such inrollment shall be so made, to the intent that every party that hath to do therewith, may resort and see the effect and tenor of every such writing so inrolled.

II. Provided always, That this act, nor any thing therein contained, extend to any manner lands, tenements, or hereditaments, lying or being within any city, borough or town corporate within this realm, wherein the mayors, recorders, chamberlains, bailiffs or other officer or officers have authority, or have lawfully used to inroll any evidences, deeds, or other writings within their precinct or limits; any thing in this act contained to the contrary notwithstanding.

Towns corporate, &c. may inroll.
Dyer, 229.
10 Ann. c. 18.
f. 3.

CAP. XVII.

A servant imbezelling his master's goods to the value of forty shillings, shall lose the privilege of his clergy and sanctuary.

See 22 H. 8.
c. 7.
28 H. 8. c. 2.
Confirmed by

1 Ed. 6. c. 12. and repealed by 1 M. sess. 1. c. 1. See 5 El. c. 10. 3 Inst. 103.

CAP. XVIII.

If any person do, or procure any thing to be done, to the annoying of the stream of the river of *Thames*, making of shelves by any manner of means, by mining, digging, casting of dung, rubbish, or other thing in the same river; or take or convey away any boards, stakes, timber-work, pillars or other things from the said banks or walls, except it be to repair or amend the same again, or dig or undermine any banks or wall upon the water-side of *Thames*, to the hurt, impairing or damage of the said banks or walls, he shall forfeit for every time so offending C. s. to the King, and to the mayor and commonalty of *London*, to be recovered by the mayor and commonalty by bill, plaint, writ of debt or information, wherein no essoin, wager of law, protection, &c. A proviso for taking of ballast for ships in the shelves near unto *Thames*, the said gravel, earth or rubbish of which shelves, any person may take and carry away.

CAP. XIX.

Sanctuary persons shall wear badges, and no weapons. They shall not go abroad before sun-rising, nor after sun-setting. They shall not resist their governors. Their governors shall determine contracts of debts, trespasses, and covenants between them under xl. s.

REP. 1. Jac. 1.
c. 25. & 27
Jac. 1. c. 28.

CAP. XX.

For tithes to be paid throughout this realm.

FORASMUCH as divers numbers of evil disposed persons inhabited in sundry counties, cities, towns and places of this realm, having no respect to their duties to Almighty God, but against right and good conscience have attempted to subtrah and withhold, in some places the whole, and in some places great parts of their tithes and oblations, as well personal as predial, due unto God and holy church; (2) and pursuing such their detestable enormities and injuries, have attempted in late time past to disobey, contemn and despise the process, laws and decrees of the ecclesiastical courts of this realm, in more temerous

This statute is confirmed and enlarged by 2 & 3 Ed. 6. c. 13.

temerous and large manner than before this time hath been ſeen :

Tithes ſhall be paid according to the cuſtom of the pariſh where they be due.

The offender in ſubtracting of tithes ſhall be convented before the ordinary.

The offender ſhall be bound by two juſtices of peace, &c. to obey the ordinary's ſentence.

(3) for reformation of which ſaid injuries, and for unity and peace to be preſerved amongſt the King's ſubjects of this realm, our ſovereign lord the King being ſupreme head on earth (under God) of the church of *England*, willing the ſpiritual rights and duties of that church to be preſerved, continued and maintained, hath ordained and enacted by authority of this preſent parliament, That every of his ſubjects of this realm of *England*, *Ireland*, *Wales*, and *Calais*, and marches of the ſame, according to the eccleſiaſtical laws and ordinances of his church of *England*, and after the laudable uſages and cuſtoms of the pariſh or other place where he dwelleth or occupieth, ſhall yield and pay his tythes, offerings and other duties of holy church ; (4) and that for ſuch ſubtractions of any of the ſaid tithes, offerings or other duties, the parſon, vicar, curate, or other party in that behalf grieved, may by due proceſs of the King's eccleſiaſtical laws of the church of *England*, convent the perſon or perſons ſo offending before his ordinary, or other competent judge of this realm, having authority to hear and determine the right of tithes, as alſo to compel the ſame perſon or perſons offending to do and yield their ſaid duties in that behalf. (5) And in caſe the ordinary of the dioceſe or his commiſſary, or the archdeacon or his official, or any other competent judge aforeſaid, for any contempt, contumacy, diſobedience or other miſdeemeanor of the party defendant, make information and requeſt to any of the King's moſt honourable council, or to the juſtices of the peace of the ſhire where ſuch offender dwelleth, to aſſiſt and aid the ſame ordinary, commiſſary, archdeacon, official or judge, to order or reform any ſuch perſon in any cauſe before rehearſed ; that then he of the King's ſaid honourable council, or ſuch two juſtices of peace, whereof the one to be of the *quorum*, to whom ſuch information or requeſt ſhall be made, ſhall have full power and authority, by virtue of this act, to attach or cauſe to be attached, the perſon or perſons againſt whom ſuch information or requeſt ſhall be made, (6) and to commit the ſame perſon or perſons to ward, there to remain without bail or mainprize, till that he or they ſhall have found ſufficient ſurety, to be bound by recognizance or otherwiſe before the King's ſaid counſellor, or juſtice of peace, or any other like counſellor, or juſtice of peace, to the uſe of our ſaid ſovereign lord the King, to give due obedience to the proceſſes, proceedings, decrees and ſentences of the eccleſiaſtical court of this realm, wherein ſuch ſuit or matter for the premiſſes ſhall depend or be. (7) And that every of the King's ſaid counſellors, or two juſtices of the peace, whereof the one to be of the *quorum* as is aforeſaid, ſhall have full power and authority, by virtue of this act, to take, receive, and record recognizances and obligations in any of the cauſes above written.

This act ſhall not extend to the citizens of London.

II. Provided alway, That this act, or any thing therein contained, ſhall not extend to any inhabitant of the city of London,

London, for or concerning any manner of tithe, offering, or other eccleſiaſtical duty, grown and due, to be paid or yielded within the ſame city, becauſe there is another order made for the payment of tithes and other duties within the ſaid city.

III. Provided alſo, That every perſon and perſons, being party or parties to any ſuch ſuit, ſhall and may make and have his and their lawful action, demand or proſecution, appeals, prohibitions, and all other their lawful defences and remedies in every ſuch ſuit, according to the ſaid eccleſiaſtical laws, and laws and ſtatutes of this realm, in as ample and liberal manner and form as they or any of them might have had, if this act had never been made; any thing in this act above written notwithstanding.

IV. Provided always, and be it enacted by authority aforeſaid, That this act for recovering of tithes, ne any thing therein contained, ſhall take force and effect but only until ſuch time as the King's highneſs, and ſuch other xxxii. perſons which his Highneſs ſhall name and appoint for the making and eſta bliſhing of ſuch laws as his Highneſs ſhall affirm and ratify, to be called the eccleſiaſtical laws of the church of *England*; (2) and after the ſaid laws ſo ratified and confirmed as is afore ſaid, that then the ſaid tithes to be paid to every eccleſiaſtical perſon according to ſuch laws, and none otherwiſe.

CAP. XXI.

An act for the payment of tithes within the city and ſuburbs of *London*, until another law and order ſhall be made and publiſhed for the ſame.

CAP. XXII.

The King ſhall have the moiety of the profits of thoſe lands already converted from tillage to paſture ſithence three years before *Ann. 4. H. 7.* until the owner hath builded up a convenient houſe to inhabit, and converted the ſame paſture to tillage again; and alſo ſhall take the moiety of the iſſues of thoſe lands hereafter to be converted, if the immediate lord do it not within one year.

CAP. XXIII.

For the preſervation of the havens in Devon and Cornwall.

WHERE by a ſtatute made in this preſent parliament, for and concerning the amending and maintenance of the havens and ports of Plymouth, Dartmouth, Tinnmouth, Falmouth and Fowey, in the counties of Devonſhire and Cornwall, among other things it was ordained and enacted, That no perſon or perſons from and after the feaſt of St. Michael the archangel, which was in the twenty-fourth year of the reign of the King's highneſs that now is, ſhould labour or work, or cauſe to be laboured or wrought in any manner of tin-works, called ſtreme works, within the ſaid counties of Devon or Cornwall, nigh to any of the freſh waters, rivers or low places, deſcending or having courſe unto the ſaid havens or ports, or any of them; nor ſhould

Every perſon ſhall have his demand and defence according to the laws eccleſiaſtical.

25 H. 8. c. 19.
ſ. 7
13 Car. 2.
ſtat. 1. c. 12.
ſ. 5.

32 H. 8. c. 7.

EXP. 37 H. 8.
c. 12.

4 H. 7. c. 19.
7 H. 8. c. 2.
5 & 6 Ed. 6. c. 5.
ſ. El. c. 2.
REP. 39 El.
c. 1. & 21 Jac. 1
c. 28.

A rehearſal of the ſtatute of 23 H. 8. c. 8. made for the preſervation of ports and havens in Cornwall and Devonſhire,

ſhould labour, dig or waſh any tin in any of the ſaid tin-works called ſtreame-works, unleſs the ſaid digger, owner or waſher ſhould make, or cauſe to be made, ſufficient hatches and tyes in the end of their buddles and cords, and therein put and lay, or cauſe to be put and laid, all the ſaid ſtones, gravel and robel, digged about the enſearching, finding and waſhing of the ſaid tin, there to be wholly and ſurely kept by the ſaid hatches and tyes, out and from the ſaid freſh rivers or water courſes, or any of them, ſo that the ſaid ſtones, gravel and robel, ne any part thereof, be, for lack of ſuch hatches or tyes, conveyed into the ſaid ports and havens, or any of them, (2) upon pain to forfeit for every time that any owner or digger ſhould dig or waſh, or cauſe to be digged or waſhed, any tin contrary to the form aforeſaid, x. li. the one half thereof to be to the uſe of our ſovereign lord the King, and the other half thereof to be to any of the inhabitants of the ſaid port towns or havens that would ſue for the ſame in any of the King's courts, by original writ, bill, plaint, information or otherwiſe, wherein the defendant ſhould not be admitted to wage his law, ne any protection or eſſoin ſhould be allowable, as in the ſaid act among other things more plainly is expreſſed and declared.

23 H. 8. c. 8.

II. And becauſe ſith the making of the ſaid ſtatute, the inhabitants of the ſaid port towns or havens, having little regard, reſpect, love, or affection to the amending and maintenance of the ſame towns and havens, nor to their poſterity, as they been naturally bounden and obliged, have permitted and ſuffered the ſaid owners and diggers to perſevere and continue in digging, ſearching and waſhing of tin nigh the ſaid freſh waters, rivers or low places, not making ſufficient hatches and tyes as by the ſaid ſtatute is provided and ordained without any manner of ſuit commenced or purſued by the ſaid inhabitants, according to the tenor of the ſaid act, to the great animation and encouragement of the offenders, and to the utter undoing and deſtruction of the ſaid port towns and havens; the King's majeſty, minding and intending the ſupportation and maintenance of his ſaid towns and havens, and the animadverſion and correction of the ſaid offenders, hath, by the aſſent of the lords ſpiritual and temporal, and the commons in this preſent parliament aſſembled, and by the authority of the ſame, ordained, enacted and eſta bliſhed, That no perſon or perſons hereafter ſhall labour or work, or cauſe to be laboured or wrought, in any manner of tin-works called ſtreame-works, within the ſaid counties of Devon or Cornwall, nigh to any of the ſaid freſh waters, rivers or low places, deſcending or having courſe unto the ſaid havens or ports, or any of them, nor ſhall labour, dig or waſh any tin in any of the ſaid tin-works called ſtreame-works, unleſs the ſaid digger, owner or waſher ſhall make, or cauſe to be made, ſufficient hatches and tyes in the end of their buddles and cords, and therein put and lay, or cauſe to be put and laid, all the ſaid ſtones, gravel and robel, digged about the enſearching, finding and waſhing of the ſaid tin, there to be wholly and ſurely kept by the ſaid hatches and tyes, out and from the ſaid freſh rivers or water courſes, or any of them, ſo that the ſaid ſand, ſtones, gravel and robel, ne any part thereof, be, for lack of ſuch

They that work for tin-works ſhall make hatches and tyes in the ends of their cords or buddles.

ſuch hatches or tyes, conveyed into the ſaid ports and havens, or any of them, upon pain to forfeit for every time that any owner, tinner, digger or labourer, ſhall dig or waſh, or cauſe to be digged or waſhed, any tin contrary to the form aforeſaid, xx. li. the one half thereof to be to the uſe of his Highneſs, and the other half thereof to be to any of his Grace's ſubjects that will ſue for the ſame in any of his Grace's courts, by original writ, bill, plaint, information or otherwiſe, wherein the defendant ſhall not be admitted to wage his law, ne any protection or eſſoin ſhall be allowable.

III. And it is further enacted by the authority aforeſaid, That if any perſon or perſons ſhall happen to be ſued, accuſed, indicted, imprifoned, amerced, condemned or otherwiſe vexed or troubled in his perſon, lands, tin works, goods or chattels, by any of the miniſters or officers of any of the King's courts of ſtannery, or by any other perſon or perſons, for purſuing or attempting any ſuit or action according to this eſtate, againſt ſuch perſon or perſons as ſhall offend contrary to the form aforeſaid; that then all ſuch ſuits, accuſements, indictments, imprifonments, actions, condemnations, fines, amerciaments, and every other act or acts to be done in any of the ſaid courts of ſtannery, or elſewhere, by any perſon or perſons againſt any perſon or perſons for ſuing or attempting any ſuits or actions by virtue of this eſtate, ſhall be utterly void and of none effect in the law; (2) and that the party ſued, indicted, accuſed, imprifoned or otherwiſe grieved or moleſted, for purſuing againſt any perſon or perſons offending this ſtatute, ſhall have his action and remedy grounded upon this ſtatute, by original writ, bill, plaint, information or otherwiſe, in any of the King's courts, againſt ſuch as ſhall procure or attempt to vex, trouble or otherwiſe moleſt any ſuch perſon or perſons for ſuing or purſuing of the forfeitures aforeſaid, and ſhall recover treble damages in that behalf; and the party defendant ſhall not be admitted to wage his law, ne any protection, eſſoin nor privilege ſhall be to him allowable.

There ſhall be no penalty inflicted for proſecuting according to this ſtatute.

IV. And if it ſhall happen any perſon or perſons, for purſuing any ſuit or action upon this ſtatute, or by occaſion of the ſame, hereafter to be imprifoned by any manner of perſon or perſons being officers or miniſters of the court of ſtannery, their deputies or ſubſtitutes, that then every of the juſtices of peace within any of the counties aforeſaid, wherein the ſaid priſoner ſhall happen to be committed to priſon, upon credible information thereof, taking ſurety by his diſcretion for appearance of ſuch priſoner at the next general ſeſſions of peace, ſhall have power and authority as well to direct his warrant to the gaoler or keeper of the priſon, as to any other perſon or perſons to whom the ſaid priſoner ſhall be committed unto, commanding him or them, upon pain of forfeiture of xl. li. to deliver and put at large the ſaid priſoner or priſoners, (2) which if he reſuſe ſo to do, then every ſuch offender ſhall loſe and forfeit the ſaid xl. li. the one half of which forfeiture to be to the uſe of our ſovereign

A remedy to relieve him that ſhall be imprifoned for ſuing according to this ſtatute.

ſovereign lord the King, and the other half to him that is grieved by reaſon of ſuch imprifonment, to be recovered in manner and form aforeſaid; and the defendant in any action or ſuit for the ſame ſhall not wage his law, ne have any effoin or protection allowed; (3) and if it ſhall appear, upon the appearance of ſuch priſoner at the quarter-ſeſſions, by examination of the juſtices of the peace there being, that he was imprifoned contrary to the form of this ſtatute, that then he ſhall be forthwith diſmiſſed, and thereby diſcharged; and if he were lawfully imprifoned for any other juſt cauſe, then to be remanded to priſon by the diſcretion of the ſaid juſtices.

The liberties
of the ſtan-
naries ſaved.

V. Provided alway, That this act, or any thing therein contained, be not in any wiſe prejudicial or hurtful to any of the officers of the ſtannery, ne to any of their lawful liberties, privileges, uſages, laws or cuſtoms, ſaving only in the caſes and proviſions contained and limited within this preſent act, which ſhall alway be put in execution according to the tenor of this act; any uſage, cuſtom, privilege, ordinance or liberty to the contrary thereof notwithstanding.

C A P. XXIV.

An act for recontinuing liberties in the crown.

The re-con-
tinuing of
certain liber-
ties taken
from the
crown.

No perſon
ſhall pardon
treafons or
felonies but
the King.

WHERE divers of the moſt ancient prerogatives and authorities of juſtice, appertaining to the imperial crown of this realm, have been ſevered and taken from the ſame by ſundry gifts of the King's moſt noble progenitors, Kings of this realm, to the great diminution and detriment of the royal eſtate of the ſame, and to the hindrance and great delay of juſtice; (2) for reformation whereof, be it enacted by authority of this preſent parliament, That no perſon or perſons, of what eſtate or degree ſoever they be, from the firſt day of *July*, which ſhall be in the year of our Lord God 1536, ſhall have any power or authority to pardon or remit any treafons, murders, manſlaughters, or any kinds of felonies, whatſoever they be; (3) nor any acceſſaries to any treafons, murders, manſlaughters or felonies; (4) or any outlawries for any ſuch offences afore rehearſed, committed, perpetrated, done or divulged, or hereafter to be committed, done or divulged, by or againſt any perſon or perſons in any part of this realm, *Wales*, or the marches of the ſame; (5) but that the King's highneſs, his heirs and ſucceſſors, Kings of this realm, ſhall have the whole and ſole power and authority thereof united and knit to the imperial crown of this realm, as of good right and equity it appertaineth; any grants, uſages, preſcription, act or acts of parliament, or any other thing to the contrary hereof notwithstanding.

No perſon
ſhall make
juſtices but
the King.
Hob. 139.
1 Euiſt. 160.

II. And be it alſo enacted by authority aforeſaid, That no perſon or perſons, of what eſtate, degree or condition ſoever they be, from the ſaid firſt day of *July*, ſhall have any power or authority to make any juſtices of eyre, juſtices of aſſiſe, juſtices of peace, or juſtices of gaol-delivery; (2) but that all ſuch officers and miniſters ſhall be made by letters^{patents} under the King's

King's great ſeal, in the name and by authority of the King's highneſs and his heirs Kings of this realm, in all ſhires, counties, counties palatine, and other places of this realm, *Wales*, and the marches of the ſame, or in any other his dominions, at their pleaſure and wills, in ſuch manner and form as juſtices of eyre, juſtices of aſſiſe, juſtices of peace, and juſtices of gaol-delivery, be commonly made in every ſhire of this realm; any grants, uſages, preſcriptions, allowances, act or acts of parliament, or any other thing or things to the contrary thereof notwithstanding.

III. And be it further enacted by authority of this preſent parliament, That all original writs and judicial writs, and all manner of indictments of treaſon, felony and treſpaſs, and all manner of proceſs to be made upon the ſame, in every county palatine, and other liberty within this realm of *England*, *Wales*, and marches of the ſame, ſhall from the ſaid firſt day of *July* be made only in the name of our ſaid ſovereign lord the King, and his heirs Kings of *England*; (2) and that every perſon or perſons having ſuch county palatine, or any other ſuch liberty to make ſuch originals, judicials or other proceſs of juſtice, ſhall make the *Teſte* in the ſaid original writs and judicial, in the name of that ſame perſon or perſons that have ſuch county palatine or liberty.

All writs, &c. in a county palatine ſhall be made in the King's name. 4 Inſt. 205.

IV. And that in every writ and indictment that ſhall be made within any ſuch county palatine or liberty, after the ſaid firſt day of *July* next coming, whereby it ſhall be ſuppoſed any thing to be done againſt the King's peace, ſhall be made and ſuppoſed to be done only againſt the King's peace, his heirs and ſucceſſors, and not againſt the peace of any other perſon or perſons whatſoever they be; any act of parliament, grant, custom, uſage or allowance in eyre before this time had, granted or uſed, to the contrary notwithstanding.

V. Provided always, That juſtices of aſſiſe, juſtices of gaol-delivery, and juſtices of peace, to be made and aſſigned by the King's highneſs within the county palatine of *Lancaſter*, ſhall be made and ordained by commiſſion under the King's uſual ſeal of *Lancaſter*, in manner and form as hath been accuſtomed; any thing in this act to the contrary thereof notwithstanding.

Juſtices aſſigned within the county palatine of *Lancaſter*.

VI. Provided alſo, That all cities, boroughs, and towns corporate within this realm, which have liberty, power and authority to have juſtices of peace, or juſtices of gaol-delivery, ſhall ſtill have and enjoy their liberties and authorities in that behalf, after ſuch like manner as they have been accuſtomed, without any alteration by occaſion of this act; any thing in this act, or in any article therein contained to the contrary thereof notwithstanding.

Towns corporate which have juſtices.

VII. And it is ordained by authority aforeſaid, That all ſtewards, bailiffs, and other miniſters of any liberties or franchiſes, which in times paſt have uſed, or ought to attend upon the juſtices of aſſiſe, juſtices of gaol-delivery, and juſtices of the peace at large in any county, ſhall be attendant to the juſtices of aſſiſe, they have done.

Bailiffs and officers of liberties ſhall attend upon the juſtices as they have done.

assise, justices of gaol-delivery, and justices of peace of the same shires wherein such liberties and franchises be, and make due execution of all process to them to be directed, for ministration of justice within such liberties or franchises; (2) and that also all such bailiffs, or their deputies or deputy, shall give their attendance and assistance upon the sheriff, together with the sheriffs bailiffs, at all courts of gaol-delivery from time to time, for execution of prisoners according to justice.

Liberties of cities or boroughs not to appear elsewhere.

VIII. Provided always, That the article next above rehearsed shall not in any wise be prejudicial to any stewards, or bailiffs of any cities, boroughs or towns corporate set in any shire of this realm, which have privilege that they should not be compelled to attend or appear out of such cities, boroughs or towns wherein they inhabit, but that every such city, borough and town corporate, shall use their said privileges and liberties as heretofore hath been accustomed; any thing in any of the articles above rehearsed to the contrary thereof notwithstanding.

The King shall have the fines, &c. of bailiffs of liberties.

IX. And it is further enacted by authority aforesaid, That the King our sovereign lord, his heirs and successors, Kings of this realm, from the said first day of *July* next coming, shall have all manner of fines, issues, amerciaments and forfeitures that shall be lost, forfeit or assessed by or upon any stewards, bailiffs, or any other ministers or officers of any franchises or liberties, for non-execution, mis-execution or insufficient returns of such writs, warrants, precepts or other process, which to them, or any of them, or to any their deputy or deputies, shall be directed, or for any contempt, or other misdemeanor whatsoever it be, concerning their offices, in and for the due execution or administration of justice; any grant or allowance, or other thing to the contrary hereof notwithstanding. (2) And that the amerciaments for insufficient returns of writs, or other process made by stewards or bailiffs of liberties or franchises, having returns of writs and execution of the same, shall be put and set upon the heads of such stewards or bailiffs, and not upon the sheriffs.

Fines shall be assessed upon the bailiffs of liberties for insufficient returns, and not upon the sheriffs.

Purveyors may provide within liberties, notwithstanding any grant.

X. And furthermore it is enacted by authority aforesaid, That purveyors assigned by the King's commission for provisions of his Grace, the Queen and their children, shall and may provide all victuals, corn, and other kinds of things whatsoever it be, according to their commissions, as well within liberties and franchises as without; any grants, allowances, or other thing to the contrary or let thereof notwithstanding.

2 Inst. 3.

XI. Provided always, That such purveyors shall observe the statutes for them provided in every behalf.

The King's officers may keep court within the verge, and his clerk of the market only execute his office there.

XII. And over this it is ordained by authority aforesaid, That in all such places wheresoever the King's highness in his own most royal person shall come to rest, tarry, abide, or make his repose within this realm, or any his dominions, within liberty or without, there and within the verge limited and accustomed to his Grace's court, during the time of his abode, his Grace's steward, marshal, coroner, and all other his mini-

sters

ſters, ſhall and may keep their courts for juſtice, and exerciſe their offices, as ſhall appertain to them, according to the laws, ſtatutes and cuſtoms of this realm, as well within liberties as without. (2) And that his Grace's clerks of the market, and none other, during the ſame time, as well within liberties as without, ſhall exerciſe the office of clerk of the market; any privilege, grant, allowance or other thing to the contrary hereof notwithstanding.

XIII. Provided alway, That this article next afore rehearſed or any thing therein contained, be not in any wiſe prejudicial to the city of *London*, but that the ſame city ſhall have and uſe ſuch liberties as they might if this article had never been made.

XIV. And be it alſo enacted by authority aforeſaid, That all and every ſtatute, act, and acts heretofore made and being in force, againſt ſheriffs, their under-ſheriffs, bailiffs, or other miniſters, for making or returning of panels or juries, or for due execution or ſerving of any writs or other proceſs, or for taking of fees, or for reformation of extortions, or for any other thing or things concerning their offices, and all pains and penalties contained in every ſuch ſtatute, ſhall from henceforth be extended to all ſtewards, bailiffs and other miniſters and officers of liberties and franchises, having returns of writs and executions thereof, in like manner, form and condition as they extend to the ſheriffs, their under ſheriffs, bailiffs or other miniſters, and as if the ſaid ſtewards, bailiffs or other miniſters or officers of liberties and franchises, had been ſpecially and particularly named and rehearſed in ſuch ſtatutes.

All ſtatutes made for ſheriffs, under-ſheriffs, &c. ſhall be in force againſt ſtewards and other miniſters of liberties.

XV. Provided alway, That this article next above rehearſed ſhall not be prejudicial to any ſteward, bailiffs of franchises, or to their deputy or deputies, or their clerks, for exerciſing and occupying their offices over and above one year; but that they and every of them may keep and occupy their ſaid offices for ſo long time as they be, or hereafter ſhall be, given to them, as if this article next afore rehearſed had never been made; any of the ſaid acts to be expounded and taken againſt them or any of them to the contrary thereof notwithstanding.

Stewards and bailiffs of franchises may enjoy their offices above one year.

XVI. And it is enacted by authority aforeſaid, That all ſuch juſtices to be made as is afore rehearſed in this act, ſhall have authority and power to keep and hold their ſeſſions of peace, and to deliver the ſame gaols from time to time only within the ſame liberties and franchises, and in ſuch places, and in none other places, by reaſon and authority of that commiſſion, and to do and execute all other things within the ſame, in as ample and large manner, as any other juſtices of peace and gaol-delivery in any ſhire within this realm may do, and have authority to do; any act, grant, uſe, cuſtom and allowance heretofore had, made or uſed, or any article in this preſent act made to the contrary notwithstanding.

XVII. Provided always, That all and ſingular juſtices of the peace, gaol-delivery and aſſiſe, hereafter to be made, named and appointed by the King's highneſs, his heirs and ſucceſſors, within

The new juſtices ſhall ſit where commonly ſuch have uſed to be before.

any liberty, where any such justice of peace, gaol-delivery or assize, or any of them, have been made by any person or persons by virtue or authority of any letters patents of the gift or grant of our sovereign lord the King, or his most noble progenitors, Kings of this realm, or otherwise, shall sit and keep their sessions, gaol-delivery, and assizes, only in such place and places as the justices of the said liberties lately have commonly used within the said liberties. (2) And that no person or persons within the said liberties, or any of them, shall be hereafter in any wise compelled by authority of this act to appear out of the said liberties before any other justices of assize, gaol-delivery, or of the peace than before such justices as shall be named and assigned to sit and be by the King's highness, his heirs and successors, within the said liberties in form abovesaid. (3) And that this act shall not extend, or be expounded or taken to any other liberty, privilege or franchise, granted, used or had to any person or persons, other than before in this present act is expressed, and plainly declared and rehearsed; any thing in this act to the contrary notwithstanding, and as if this act had never been made.

Sir Thomas
Englefield,
justice of
Chester and
Flint.

XVIII. Provided always, That this act, nor any thing therein contained, be in any wise hurtful or prejudicial unto Sir *Thomas Englefield*, knight, justice of the county palatine of *Chester* and *Flint*, nor to his deputy or deputies, nor to any of them, of, for or concerning the office of justice or justicer of the said county palatine and *Flint*, nor for or concerning any fees, profits or advantages to the same office in any manner wise appertaining or belonging; (2) but that the said Sir *Thomas*, his deputy and deputies, and every of them, may lawfully have, occupy and exercise the said office, and also receive and take to their own use all manner profits, commodities and advantages to the said office belonging or appertaining, according to the tenor, purport and effect of such letters patents, as before this time were unto the same Sir *Thomas* made under the seal of the said county palatine, or under any other seal, by our said sovereign lord the King that now is, of, for or concerning the said office and other the premises, or any parcel thereof, in as ample and large manner as though this act had never been had ne made; any thing in this act contained to the contrary in any wise notwithstanding.

Cities and
towns corpo-
rate shall have
such liberties,
&c. as they
had before.

XIX. Provided alway, That this act, ne any thing therein contained, be in any wise prejudicial or hurtful to any city, borough or town corporate, by what name or names soever they or any of them be incorporate, and their successors, and the successors of every of them, of or for any manner of liberties, privileges, customs, ancient usages and franchises; and also of all manner of fines, issues and amerciaments, and forfeitures, which they or any of them have of the grant or grants of our said sovereign lord the King, or of any of his noble progenitors, Kings of this realm of *England*; (2) but that the said cities, boroughs and towns corporate, and every of them and their successors, may have, take, levy and enjoy all and every such law-
ful

ful liberties, privileges, franchises, customs and usages, in as ample and large manner, and in like form and condition, as they and every of them have lawfully taken, used and had the same before the making of this act; any thing in this act to the contrary notwithstanding, and as if this act had never been had ne made.

XX. Provided alway, and be it enacted, That *Thomas* now The bishop of Ely, and his successors, bishops of *Ely*, and their temporal steward of the isle of *Ely* for the time being, and every of them, shall from henceforth be justices of peace within the said isle, and shall use and exercise all manner of things within the same isle, that appertaineth or belongeth to any justices of peace within any county of this realm of *England* to do, exercise and use, by virtue and authority that they be justices of peace, in as ample and large manner as any other justices of peace in any county within this realm have or might do, exercise or use; any thing or things in this act contained to the contrary notwithstanding.

XXI. Provided alway, and be it enacted, That *Cuthbert* now The bishop of Durham, and his successors, bishops of *Durham*, and their temporal chancellor of the county palatine of *Durham* for the time being, and every of them, shall from henceforth be justices of peace within the said county palatine of *Durham*, and shall exercise and use all manner things within the same county palatine, that appertaineth or belongeth to any justice of peace within any county of this realm of *England*, to do, exercise and use, by virtue and authority that they be justices of peace, in as ample and large manner as any other justices of peace in any county within this realm have, or might do, exercise or use; any thing or things in this act contained to the contrary notwithstanding.

XXII. Provided alway, and be it enacted, That *Edward* now The archbishop of York, and his successors, archbishops of *York*, and their temporal chancellor of the shire and liberty of *Hexam*, otherwise called *Hewoldsham*, for the time being, and every of them, shall from henceforth be justices of peace within the said shire and liberty of *Hexam*, otherwise called *Hewoldsham*, and shall exercise and use all manner of things within the said shire and liberty, that appertaineth or belongeth to any justice of peace within any county of this realm of *England* to do, exercise and use, by virtue and authority that they be justices of peace, in as large and ample manner as any other justices of peace in any county within this realm have, or might do, exercise or use; any thing or things in this act contained to the contrary notwithstanding.

CAP. XXV.

All governors of shires, cities, towns, hundreds, hamlets and parishes, shall find and keep every aged, poor and impotent person, which was born or dwelt three years within the same limit, by way of voluntary and charitable alms in every of the same cities and parishes, &c. with such convenient alms as shall be thought meet by their discretion, so as none of them shall

shall be compelled to go openly in begging. And alfo shall compel every sturdy vagabond to be kept in continual labour. (2) Children under fourteen years of age, and above five, that live in idlenefs, and be taken begging, may be put to fervice by the governors of cities, towns, &c. to husbandry, or other crafts or labours. (3) A valiant beggar, or sturdy vagabond, shall at the first time be whipped, and fent to the place where he was born or laft dwelled by the fpace of three years, there to get his living; and if he continue his roguish life, he shall have the upper part of the gristle of his right ear cut off; and if after that he be taken wandering in idlenefs, or doth not apply to his labour, or is not in fervice with any mafter, he shall be adjudged and executed as a felon. (4) No perfon shall make any open or common dole, nor shall give any money in alms, but to the common boxes, and common gatherings in every parifh, upon pain to forfeit ten times fo much as shall be given. (5) There shall be no playing at unlawful games.

E X P.

31 Hen. 8. c. 7.

39 Eliz. c. 4.

C A P. XXVI.

Concerning the laws to be ufed in Wales.

Justices executed in Wales in manner as it is in England.

4 Infl. 233.

The caufes why a diversity hath been made between the King's subjects of England and Wales.

3 Bulstr. 117.

ALBEIT the dominion, principality and country of Wales juftly and righteoufly is, and ever hath been incorporated, annexed, united and fubject to and under the imperial crown of this realm, as a very member and joint of the fame, wherefore the King's moft royal majefty of meer droit, and very right, is very broad, King, lord and ruler; (2) yet notwithstanding, becaufe that in the fame country, principality and dominion, divers rights, ufages laws and customs be far discrepant from the laws and customs of this realm, (3) and alfo becaufe that the people of the fame dominion have, and do daily ufe a fpeech nothing like, ne confonant to the natural mother tongue ufed within this realm, (4) fome rude and ignorant people have made diftinction and diversity between the King's fubjects of this realm, and his fubjects of the faid dominion and principality of Wales, whereby great difcord, variance, debate, divifion, murmur and fedition hath grown between his faid fubjects; (5) his Highnefs therefore of a fingular zeal, love and favour that he beareth towards his fubjects of his faid dominion of Wales, minding and intending to reduce them to the perfect order, notice and knowledge of his laws of this his realm, and utterly to extirp all and fingular the finifter ufages and customs differing from the fame, and to bring the faid fubjects of this his realm, and of his faid dominion of Wales, to an amicable concord and unity, hath by the deliberate advice, confent and agreement of the lords fpiritual and temporal, and the commons, in this prefent parliament affembled, and by the authority of the fame, ordained, enacted and eftablifhed, That his faid country or dominion of Wales, shall be, ftand and continue for ever from henceforth incorporated, united and annexed to and with this his realm of England; (6) and that all and fingular perfon and perfons, born and to be born in the faid principality, country or dominion of Wales, shall have,

Palmer 15.
All perfons
born in Wales
shall enjoy all
liberty as

have, enjoy and inherit all and fmgular freedoms, liberties, rights, privileges and laws within this his realm, and other the King's dominions, as other the King's fmgjects naturally born within the fame have, enjoy and inherit.

other fmgjects
in England do.

II. And that all and fmgular perfon and perfons inheritable to any manors, lands, tenements, rents, reverfions, fmgvices or other hereditaments, which fhall defcend after the feaft of *All-Saints* next coming, within the faid principality, country or dominion of *Wales*, or within any particular lordfhip, part or parcel of the faid country or dominion of *Wales*, fhall for ever, from and after the faid feaft of *All-Saints*, inherit and be inheritable to the fame manors, lands, rents, tenements, reverfions and hereditaments, after the *Engliſh* tenure, without divifion or partition, and after the form of the laws of this realm of *England*, and not after any *Welch* tenure, ne after the form of any *Welch* laws or cuſtoms; (2) and that the laws, ordinances and ſtatutes of this realm of *England*, for ever, and none other laws, ordinances, ne ſtatutes, from and after the faid feaft of *All-Saints* next coming, fhall be had, ufed, praftiſed and executed in the faid country or dominion of *Wales*, and every part thereof, in like manner, form and order, as they be and fhall be had, ufed, praftiſed, and executed in this realm, and in fuch like manner and form as hereafter by this act fhall be further eſta- bliſhed and ordained; any act, ſtatute, uſage, cuſtom, precedent, liberty, privilege, or other thing had, made, ufed, granted or ſuffered to the contrary in any wiſe notwithstanding.

The laws of
England ſhall
be uſed in
Wales.
Dyer, 113.
Plowd. 120.

III. And forasmuch as there be many and divers lordſhips marchers within the faid country or dominion of *Wales*, lying between the ſhires of *England* and the ſhires of the faid country or dominion of *Wales*, and being no parcel of any other ſhires where the laws and due correction is uſed and bad, by reaſon whereof hath enfued, and hath been praftiſed, perpetrated, committed and done, within and among the faid lordſhips and countries to them adjoining, manifold and divers deteſtable murders, brenning of houſes, robberies, thefts, treſpaſſes, routs, riots, unlawful aſſemblies, embraceries, maintenances, receiving of felons, oppreſſions, ruptures of the peace, and manifold other male- fafts, contrary to all laws and juſtice; and the faid offenders there- upon making their refuge from lordſhip to lordſhip, were and continued without puniſhment or correction; (2) for due reformation where- of, and forasmuch as divers and many of the faid lordſhips marchers be now in the hands and poſſeſſion of our ſovereign lord the King, and the ſmalleſt number of them in the poſſeſſion of other lords, it is there- fore enacted by the authority aforeſaid, that divers of the faid lordſhips marchers ſhall be united, annexed and joined to divers of the ſhires of *England*, and divers of the faid lordſhips march- ers ſhall be united, annexed and joined to divers of the ſhires of the faid country or dominion of *Wales*, in manner and form here- after following; (3) and that all the reſidue of the faid lord- ſhips marchers within the faid country or dominion of *Wales*, ſhall be ſevered and divided into certain particular counties or ſhires, that is to ſay, the county or ſhire of *Monmouth*, the

Lordſhips
marchers, and
the diſorders
committed
therein.

Lordſhips
marchers di-
vided into
ſhires.

The county of Monmouth and the towns within the ſame.

county or ſhire of *Brecknock*, the county or ſhire of *Radnor*, the county or ſhire of *Montgomery*, the county or ſhire of *Denbigh*; (4) and that the lordſhips, townſhips, pariſhes, commotes and cantreds of *Monmouth*, *Chepstew*, *Matherna*, *Llanvihangel*, *Magaur*, *Goldcliffe*, *Newport*, *Wenllonge*, *Llanwernae*, *Caerlion*, *Uſt*, *Trekik*, *Tintern*, *Skynfreth*, *Gronsmont*, *Wiss-caſtle*, *Raglan*, *Calicote*, *Bifton*, *Abergevenny*, *Penroſe*, *Gronſfield*, *Maghan* and *Hochyſlade* in the country of *Wales*, and all and ſingular honours, lordſhips, caſtles, manors, lands, tenements and hereditaments, lying or being within the compaſs or precinct of the ſaid lordſhips, townſhips, hamlets, pariſhes, commotes and cantreds, and every of them, in whole poſſeſſion ſoever they be or ſhall be, and every part thereof, ſhall ſtand and be from and after the ſaid feaſt of *All-Saints* guildable, and ſhall be reputed, accepted, named and taken as parts and members of the ſaid ſhire of *Monmouth*; (5) and that the ſaid town of *Monmouth* ſhall be named, accepted, reputed, uſed, had and taken, head and ſhire-town of the ſaid county or ſhire of *Monmouth*; (6) and that the ſheriffs county or ſhire-court of and for the ſaid ſhire and county of *Monmouth*, ſhall be holden and kept one time at the ſaid town of *Monmouth*, and the next time at the town of *Newport*, in the ſame county or ſhire, and ſo to be kept in the ſame two towns *alternis vicibus*, and according to the laws of this realm of *England* for ever, and in none other places.

ACTIONS for lands or other things to be ſued in the county of Monmouth. Savil 12. a Roll. 29. The King's juſtices may award *venire facias* into the county of Monmouth, and all other proceſſes. The inhabitants of the county of Monmouth obedient to the King's officers and laws.

IV. And it is further enacted by the authority aforeſaid, That all actions reals that hereafter ſhall be conceived, perpetrated or ſued for any lands, tenements or hereditaments, or any other thing within the ſaid county or ſhire of *Monmouth*, and all actions perſonals within the ſame ſhire or county of the ſum of xl. s. or above, and all actions mixt, ſhall be ſued by original writ out of the King's high court of chancery in *England*, (2) and heard, determined and tried before the King's juſtices in *England*, or by aſſiſe or *niſi prius* within the ſaid county of *Monmouth*, in ſuch like manner, form and wiſe, as all other actions reals, perſonals, and actions mixt, be ſued, heard, determined and tried in or for any ſhire of this realm of *England*; (3) and that the King's juſtices of his bench, or of his common bench of *Weſtmiſter*, ſhall have full power and authority to direct all manner proceſſes to the ſheriff and all other officers of the ſaid county of *Monmouth*, (4) and alſo to direct writs of *venire facias* to the ſame ſheriff, for the trial of every iſſue joined before them; (5) and alſo to award commiſſions of *niſi prius* into the ſaid county of *Monmouth*, for the trial of ſuch iſſues joined before them, in like manner and form as they do into every ſhire of this realm of *England*; (6) and all and every the King's ſubjects and inhabitants within the ſaid county of *Monmouth*, ſhall be for ever, from and after the ſaid feaſt of *All-Saints*, obliged and bounden to be obedient and attendant to the lord chancellor of *England*, the King's juſtices, and other of the King's moſt honourable council, and unto all laws, cuſtoms, ordinances and ſtatutes of this realm of *England*, in like manner, form and wiſe, as all other the King's ſubjects within every ſhire of this realm of *England*.

land be obliged and bounden; any act, ſtatute, uſage, cuſtom, liberty, privilege, or any other thing to the contrary in any wiſe notwithstanding; (7) and that the ſheriff of the ſaid county ſhall hold plea of *replegiare*, and all other ſuits and plaints under forty ſhillings, in his county or ſhire-court, in like manner and form as all other ſheriffs do within this realm of *England*; (8) and that the ſheriff, eſcheators and coroners, that hereafter ſhall be within the ſaid county or ſhire of *Monmouth*, ſhall be obliged and bounden to execute all the King's proceſſes, and to make due returns thereof, and to uſe and exerciſe their offices according to the laws and ſtatutes of this realm of *England*, in all and every thing as the ſheriffs, eſcheators and coroners be obliged and bounden to do in all and every other ſhire of this realm of *England*; (9) and that the ſheriffs and eſcheators of the ſaid ſhire or county of *Monmouth*, that hereafter ſhall be appointed by our ſovereign lord the King, make their accounts for their ſaid offices in the King's exchequer in *England*, in like manner and form as other ſheriffs and eſcheators do within this realm of *England*, and upon ſuch like pain and penalty as is upon other ſheriffs and eſcheators in every other ſhire within this realm of *England*.

The ſheriffs and eſcheators of *Monmouth's* duties,

V. And it is enacted by the authority aforeſaid, That the lordſhips, townſhips, pariſhes, commotes and cantreds of *Brecknock*, *Creckhowel*, *Tretowre*, *Penkelly*, *Engliſh-talgarth*, *Welſh-talgarth*, *Dynas*, the *Hays*, *Glynebogh*, *Broylles*, *Canterceſy*, *Lando*, *Blaynllinty*, *Eſtrodeu*, *Buelthe* and *Lingros*, in the ſaid country or dominion of *Wales*, and all and ſingular honours, lordſhips, caſtles, manors, lands, tenements and hereditaments, lying or being within the compaſs or precinct of the ſaid lordſhips, pariſhes, commotes and cantreds, or any of them, in whole poſſeſſion ſoever they be or ſhall be, and every part thereof, ſhall ſtand and be for ever, from the ſaid feaſt of *All-Saints*, guildable, and ſhall be reputed, accepted, named and taken as parts and members of the ſaid county or ſhire of *Brecknock*; (2) and that the ſaid town of *Brecknock* ſhall be named, accepted, reputed, uſed, had and taken, head and ſhire-town of the ſaid ſhire or county of *Brecknock*; (3) and that the ſhire-court or county of and for the ſaid ſhire or county of *Brecknock*, ſhall be holden and kept in the ſaid town of *Brecknock*.

Brecknock-ſhire.

VI. And it is enacted by the authority aforeſaid, That the lordſhips, townſhips, pariſhes, commotes and cantreds of *New Radnor*, *Eliſtherman*, *Eiz-les*, *Bongbred*, *Glaſebury*, *Glawdiſtre*, *Mibelles Church*, *Meleneth*, *Bluwagh*, *Knighton*, *Norton*, *Preſton*, *Comothuder*, *Royder*, *Gwethronen* and *Stenage* in the ſaid country of *Wales*, and every of them, and all and ſingular honours, lordſhips, caſtles, manors, lands, tenements and hereditaments, lying or being within the compaſs or precinct of the ſaid lordſhips, townſhips, pariſhes, commotes and cantreds, or any of them, in whole poſſeſſions ſoever they be or ſhall be, and every part thereof, ſhall ſtand and be for ever, from the ſaid feaſt of *All-Saints*, guildable, and ſhall be reputed, accepted, named and taken as parts and members of the ſaid county or ſhire of *Rad-*

Radnorſhire.

The county nor;

court of Radnor.

Altered by 34 & 35 H. 8. c. 26. f. 118.

Mountgomeryshire.

nor; (2) and that the said town of *New Radnor* shall be named, accepted, reputed, used, had and taken head and shire-town of the said county or shire of *Radnor*; (3) and that the shire-court or county of and for the said county or shire of *Radnor*, shall be holden and kept one time at the said town of *New Radnor*, and the next time at the town of *Ratbergaw* in the same county or shire, and so to be kept in the said two towns *alternis vicibus* for ever, and in none other place.

VII. And it is enacted by the authority aforesaid, That the lordships, townships, parishes, commotes and cantreds of *Mountgomery*, *Kedwenkerry*, *Cawrsland*, *Arustely*, *Kevelioct*, *Doythur*, *Powesland*, *Clunesland*, *Balesley*, *Tempcester* and *Alcester*, in the said country of *Wales*, and every of them, and all and singular honours, lordships, castles, manors, lands, tenements and hereditaments, lying or being within the compass or precinct of the said lordships, parishes, townships, commotes and cantreds, or in any of them, in whose possession soever they be or shall be, and every part thereof, shall stand and be for ever, from the said feast of *All-Saints*, guildable, and shall be reputed, accepted, named and taken, as parts and members of the said county or shire of *Mountgomery*; (2) and that the said town of *Mountgomery* shall be named, accepted, reputed, used, had and taken head and shire-town of the said county of *Mountgomery*; (3) and that the county or shire-court of and for the said county or shire of *Mountgomery*, shall be holden and kept the first time at the said town of *Mountgomery*, and the next time at the town of *Maghenleth*, in the same shire or county, and so to be kept in the same two towns *alternis vicibus* for ever, and in none other place.

Denbighshire.
Altered as to
Molefdale by
21 H. 8. c. 13.
f. 3.

VIII. And also it is enacted by the authority aforesaid, That the lordships, townships, parishes, commotes and cantreds of *Denbighland*, *Ruthin*, *Saint Tassie*, *Kinllethowen*, *Bromfide*, *Yall*, *Chirke* and *Chirkeland*, *Molefdale* and *Hopefdale*, in the said country of *Wales*, and every of them, and all and singular honours, lordships, castles, manors, lands, tenements and hereditaments, lying or being within the compass or precinct of the said lordships, townships, commotes and cantreds, or any of them, in whose possession soever they be or shall be, and every part thereof, shall stand and be for ever, from the said feast of *All-Saints*, guildable, and shall be reputed, accepted, named and taken as parts and members of the said county or shire of *Denbigh*; (2) and that the said town of *Denbigh* shall be named, accepted, reputed, used, had and taken head and shire-town of the county or shire of *Denbigh*; (3) and that the county or shire-court of and for the said county or shire of *Denbigh*, shall be holden and kept the first time at the said town of *Denbigh*, and the next time at the town of *Wrixham* in the said shire or county, and so to be kept in the same two towns *alternis vicibus* for ever, and in none other place.

The King shall
have a chan-
cery and ex-

IX. And forasmuch as the counties and shires of *Brecknock*, *Radnor*, *Mountgomery* and *Denbigh*, be far distant from the city of *London*, where the laws of England be commonly used, ministers,

exercifed and executed; and for that the inhabitants of the faid fhires of Brecknock, Radnor, Mountgomery and Denbigh, be not of fubftance, power and ability to travel out of their countries to feek the adminiftration of juftice; (2) it is therefore enacted by the authority aforefaid, That the King our fovereign lord fhall have one chancery and exchequer at his caftle of Brecknock, and one other at his town and caftle of Denbigh; (3) and that the fheriffs, efcheators, and other officers accomptants of the counties of Brecknock, Radnor, Mountgomery and Denbigh, from and after the faid feaft of All-Saints, fhall be yearly appointed by our fovereign lord the King, for and within every of the faid fhires of Brecknock, Radnor, Mountgomery and Denbigh; (4) and that the fheriffs, efcheators and other officers accomptants of the counties of Brecknock and Radnor, from and after the faid feaft of All-Saints, fhall yearly make their accompts before the King's auditors, and fuch chamberlain or baron of the faid exchequer, as fhall be thereunto appointed by our faid fovereign lord the King, in fuch like manner and form as fheriffs, efcheators and other officers accomptants do yearly make their accompts in the King's exchequer at Weftminfter within this realm of England. (5) And that the fheriffs, efcheators, and other officers accomptants of the counties of Mountgomery and Denbigh, from and after the faid feaft of All-Saints, fhall yearly make their accompts before the King's auditors, and fuch chamberlain or baron of the faid exchequer, as fhall be thereunto appointed by our faid fovereign lord the King, in fuch like manner and form as fheriffs, efcheators and other officers accomptants do yearly make their accompts in the King's exchequer at Weftminfter, within this realm of England.

chequer at Brecknock, and another at Denbigh.

The accounts of the fheriffs, efcheators and other officers.

X. And that juftice fhall be miniftered, ufed, exercifed and executed unto the King's fubjects and inhabitants in every of the faid fhires of Brecknock, Radnor, Mountgomery and Denbigh, according to the laws and ftatutes of this realm of England, and according to fuch other cuftoms and laws now ufed in Wales aforefaid, as the King our fovereign lord and his moft honourable council fhall allow and think expedient, requifite and neceffary, by fuch jufticer or jufticers as fhall be thereunto appointed by our faid fovereign lord the King, and after fuch form and fafhion as juftice is ufed and miniftered to the King's fubjects within the three fhires of North Wales.

Justice ufed in Brecknock, Radnor, Mountgomery, and Denbigh. Vaughan 417.

XI. And alfo it is enacted by the authority aforefaid, That the lordfhips, towns, parifhes, commotes, hundreds and cantreds of Oswefter, Whetington, Mafbroke, Knoking, Ellefmer, Doune and Churbury hundred in the marches of Wales aforefaid, and every of them, and all and fingular honours, lordfhips, caftles, manors, towns, hamlets, lands, tenements and hereditaments lying or being within the compafs or precinct of the faid lordfhips, towns, parifhes, commotes, hundreds and cantreds, or any of them, in whole poffeffion foever they be or fhall be, and every part thereof, fhall ftand and be for ever, from and after the faid feaft of All-Saints guildable, and fhall be united, annexed and joined to and with the county of Salop, as a member,

Towns annexed to the county of Salop.

Oswester hundred in the county of Salop.

Ellesmer in Pymhill hundred.

Downe in Churbury hundred.

Towns annexed to the county of Hereford.

part or parcel of the same; (2) and that the said lordships of *Oswester*, *Whetington*, *Masbroke* and *Knoaking*, with their members, shall be taken, named and known by the name of the hundred of *Oswester* in the county of *Salop*; and the inhabitants thereof shall be attendant and do every thing and things at every sessions, assise and gaol-delivery, to be holden within the county of *Salop*, as the inhabitants of all other hundreds do within the said county of *Salop*, according to the laws of this realm of *England*. (3) And that the lordship of *Ellesmer*, with the members of the same, shall be united, joined and knit to the hundred of *Pymhill* in the county of *Salop*, and shall be taken, named and known to be parcel of the same hundred; and the inhabitants thereof shall be attendant and do every thing and things with the inhabitants of the said hundred of *Pymhill*, as the inhabitants of the same hundred now do and use, according to the laws of this realm of *England*. (4) And that the lordship of *Downe*, with the members, shall be united, joined and knit to the hundred of *Churbury* in the county of *Salop*; and that the inhabitants of the said hundred of *Churbury* and lordship of *Downe* shall be attendant and do every thing and things at every sessions, assise and gaol-delivery, to be holden within the said county of *Salop*, as the inhabitants of all other hundreds do within the said county of *Salop*, according to the laws of this realm of *England*. (5) And that the said hundred of *Churbury*, after the said feast of *All-Saints*, nor the said hundred of *Oswester*, nor yet the lordship of *Ellesmer*, shall be in no wise otherwise privileged, nor have no other liberty nor privilege, but as hundreds united, annexed and knit to the said county of *Salop*, as other hundreds be within the said county.

XII. And that the lordships, towns, parishes, commotes, hundreds and cantreds of *Ewyas Lacy*, *Ewyas Harold*, *Clifford*, *Wynforton*, *Yerdeley*, *Huntington*, *Whitney*, *Wygmore*, *Logbarneys* and *Stepulston*, in the said marches of *Wales*, and every of them, and all and singular honours, lordships, castles, manors, lands, tenements and hereditaments, lying or being within the compass or precinct of the said lordships, towns, parishes, commotes, hundreds and cantreds, or any of them, in whose possession soever they be or shall be, and every part thereof, shall stand and be for ever, from and after the said feast of *All-Saints*, guildable, and shall be united, annexed and joined to and with the county of *Hereford*, as a member, part or parcel of the same county of *Hereford*; (2) and that the lordships of *Wygmore* and *Logbarneys*, with their members, shall be taken, named and known by the name of the hundred of *Wygmore* in the county of *Hereford* aforesaid; and that the inhabitants thereof shall be attendant and do every thing and things at every sessions, assise and gaol-delivery, to be holden within the said county of *Hereford*, as the inhabitants of all other hundreds do within the said county of *Hereford*, according to the laws of this realm of *England*. (3) And that the whole lordship of *Ewyas Lacy*, with the members, shall be taken, named and known by the same

name of the hundred of *Ewyas Lacy*, within the said county of *Hereford*; and the inhabitants thereof shall be attendant and do every thing and things at every sessions, assise and gaol-delivery, to be holden within the said county of *Hereford*, as the inhabitants of all other hundreds do within the said county of *Hereford*, according to the laws of this realm of *England*. (4) And that the lordship of *Ewyas Harold*, with the members, shall be united, joined and knit to the hundred of *Webtree* in the said county of *Hereford*, and shall be taken, named and known to be parcel of the said hundred of *Webtree*; and the inhabitants thereof shall be attendant and do every thing and things with the inhabitants of the same hundred of *Webtree*, as the inhabitants of the same hundred now do, according to the laws of this realm of *England*. (5) And that the lordships of *Clifford*, *Wynforten*, *Yerdeley*, *Whitney* and *Huntington*, with their members, shall be taken, named and known by the name of the hundred of *Huntington*, within the county of *Hereford* afore said, and that the inhabitants thereof shall be attendant and do every thing and things at every sessions, assise and gaol-delivery, to be holden within the said county of *Hereford*, as the inhabitants of all other hundreds do within the said county of *Hereford*, according to the laws of this realm of *England*. (6) And that the said hundred of *Wygmore*, with the members, and the said hundred of *Ewyas Lacy*, and the said hundred of *Huntington*, and the said lordship of *Ewyas Harold*, annexed unto the hundred of *Webtree*, after the said feast of *All-Saints*, shall be in no wise otherwise privileged, nor have no other liberty, franchises, nor privilege, but as hundreds united and annexed to the said county of *Hereford*, and as other hundreds be within the said county of *Hereford*.

XIII. And that the lordships, towns and parishes of *Wollastone*, *Tidnam* and *Beckley*, in the said marches of *Wales*, and all honours, lordships, castles, manors, lands, tenements and hereditaments, lying or being between *Chepstow* bridge in the said marches of *Wales* and *Gloucestershire*, in whose possession soever they be or shall be, and every part thereof, shall stand and be guildable from and after the said feast of *All-Saints*, and shall be united, annexed and joined to and with the said county or shire of *Gloucester*, as a member, part or parcel of the same. (2) And that the said lordships, towns, and parishes, of *Wollastone*, *Tidnam* and *Beckley*, and all honours, lordships, castles, manors, lands, tenements and hereditaments, lying or being between *Chepstow* bridge and the shire of *Gloucester*, as is afore said, shall be united, joined and knit to the hundred of *Wesebery* within the said shire of *Gloucester*, and shall be taken, named and known to be part and parcel of the same hundred, and the inhabitants thereof shall be attendant and do every thing and things with the inhabitants of the said hundred of *Wesebery*, as the inhabitants of the same hundred now do, according to the laws of this realm of *England*. (3) And that the said lordships of *Wollastone*, *Tidnam* and *Beckley*, after the said

Towns in the marches of *Wales* annexed to the county of *Gloucester*.

feast of *All-Saints*, shall be in no wise privileged, nor have any other liberty, franchise, ne privilege, but as parcel of the said hundred of *Wesebery* in the said county of *Gloucester*.

Towns annexed to the county of Glamorgan.

XIV. And that the lordships, towns, parishes, commotes, hundreds and cantreds of *Gowerkily, Bishops Town, Landaffe, Singhithe supra, Singhithe subtus, Maskin, Ogmore, Glynertibney, Tallagarney, Ruthien, Tallavan, Lambethyan, Lantwid, Tyeryal, Avon, Nethe, Landwey*, and the *Clays* in the said country of *Wales*, and every of them, and all honours, lordships, castles, manors, lands, tenements and hereditaments, lying or being within the compass or precinct of the said lordships, towns, parishes, commotes, hundreds and cantreds, or any of them, in whose possession soever they be or shall be, and every part thereof, shall stand and be guildable for ever from and after the said feast of *All-Saints*, and shall be united, annexed and joined to and with the county of *Glamorgan*, as a member, part or parcel of the same. (2) And that the said shire of *Glamorgan* and *Mordomoke*, and all the aforesaid lordships, towns, parishes, commotes, hundreds, and cantreds, united and annexed to the said county of *Glamorgan*, shall from and after the said feast of *All-Saints* be reputed, named, accepted and known by the name and shire of *Glamorgan* only, and by none other name.

Justice executed in Glamorganshire.

XV. And that from and after the said feast of *All-Saints*, justice shall be ministred and executed to the King's subjects and inhabitants of the said county of *Glamorgan*, according to the laws, customs and statutes of this realm of *England*, and after no *Welsh* laws, and in such form and fashion as justice is ministred and used to the King's subjects within the three shires of *North Wales*.

Towns annexed to the county of Kayermarthen.

XVI. And that the lordships, towns, parishes, commotes, hundreds and cantreds of *Lanemthevery, Abermerlefe, Kedwely, Eskenning, Cornwelthou, Newcastle, Emel, Abergely*, in the said country of *Wales*, and every of them, and all honours, lordships, castles, manors, lands, tenements and hereditaments, lying or being within the compass or precinct of the said lordships, towns, parishes, commotes, hundreds and cantreds, or any of them, in whose possession soever they be or shall be, and every part thereof, shall stand and be guildable for ever, from and after the said feast of *All-Saints*, and shall be united, annexed and joined to and with the county of *Kayermarthen*, as a member, part or parcel of the same; (2) and that from and after the said feast of *All-Saints*, justice shall be ministred and executed to the King's subjects and inhabitants of the said county of *Kayermarthen*, according to the laws, customs and statutes of this realm of *England*, and after no *Welsh* laws, and in such form and fashion as justice is ministred and used to the King's subjects within the three shires of *North Wales*.

Towns annexed to the county of Pembrokeshire.
¶ Init. 222.

XVII. And that the lordships, towns, parishes, commotes, hundreds and cantreds of *Haverfordwest, Kilgarran, Lansteffan, Langeharne*, otherwise called *Tallangberne, Walwynscastle, Dewsland, Lannghadein, Lansfey, Herberth, Slebecke, Bosmarket, Castell*

in and *Landoffleure*, in the faid country of *Wales*, and every of hem, and all honours, lordships, caſtles, manors, lands, tenements and hereditaments, lying and being within the compaſs or precinct of the faid lordships, towns, pariſhes, commotes, hundreds and cantreds, or any of them, in whoſe poſſeſſion ſoever they be or ſhall be, and every part thereof, ſhall ſtand and be guildable for ever, from and after the faid feaſt of *All-Saints*, and ſhall be united, annexed and joined to and with the county of *Pembroke*; (2) and that from and after the faid feaſt of *All-Saints*, juſtice ſhall be miniſtered and executed to the King's ſubjects and inhabitants of the faid county of *Pembroke*, according to the laws, cuſtoms and ſtatutes of this realm of *England*, and after no *Welch* laws, and in ſuch form and faſhion as juſtice is miniſtered and uſed to the King's ſubjects within the three ſhires of *North Wales*.

XVIII. And that the lordships, towns, pariſhes, commotes, hundreds and cantreds of *Tregaron*, *Glenergine*, *Landwray*, *Ureny*, in the faid country of *Wales*, and every of them, and all honours, lordships, caſtles, manors, lands, tenements and hereditaments, lying or being within the compaſs or precinct of the faid lordships, towns, pariſhes, commotes, hundreds and cantreds, or any of them, in whoſe poſſeſſion ſoever they be or ſhall be, and every part thereof, ſhall ſtand and be guildable for ever, from and after the faid feaſt of *All-Saints*, and ſhall be united, annexed and joined to and with the county of *Cardigan*, as a member, part and parcel of the ſame; (2) and that from and after the faid feaſt of *All-Saints*, juſtice ſhall be miniſtered and executed to the King's ſubjects and inhabitants of the faid county of *Cardigan*, according to the laws, cuſtoms and ſtatutes of this realm of *England*, and after no *Welch* laws, and in ſuch form and faſhion as juſtice is miniſtered and uſed to the King's ſubjects within the three ſhires of *North Wales*.

XIX. And that the lordſhip, town, and pariſh of *Mouthway*, in the faid country of *Wales*, in whoſe poſſeſſion ſoever it be, and all lands, tenements and hereditaments now lying or being within the compaſs or precinct of the faid lordſhip, town and pariſh of *Mouthway*, or any of them, in whoſe poſſeſſion ſoever they be or ſhall be, and every part thereof, ſhall ſtand and be guildable for ever, from and after the faid feaſt of *All-Saints*, and ſhall be united, annexed and joined to and with the county of *Merioneth* in *North-Wales*, as a commote, member, part or parcel of the ſame.

XX. Also be it enacted by the authority aforeſaid, That all juſtices, commiſſioners, ſheriffs, coroners, eſcheators, ſtewards, and their lieutenants, and all other officers and miniſters of the law, ſhall proclaim and keep the ſeſſions courts, hundreds, leets, ſheriffs courts, and all other courts in the *Engliſh* tongue; and all oaths of officers, juries, and inqueſts, and all other affidavits, verdicts and wagers of law, to be given and done in the *Engliſh* tongue; (3) and alſo that from henceforth no perſon or perſons that uſe the *Welch* ſpeech or language, ſhall have or enjoy

Towns annexed to the county of Cardigan.

Towns annexed to the county of Merioneth.

Seſſions, courts, leets, &c. ſhall be kept in the Engliſh tongue.

joy any manner office or fees within this realm of *England, Wales, or other the King's dominion*, upon pain of forfeiting the same offices or fees, unless he or they use and exercise the *English* speech or language.

These sheriffs shall put every misruled person under common mainprife. 34 & 55 H. 8. c. 26.

XXI. And it is further enacted by the authority aforesaid, That it shall be lawful to the sheriff of every of the aforesaid shires of *Monmouth, Brecknock, Radnor, Montgomery and Denbigh*, and every of them, to put every misruled and suspect person within their sheriffswick, under common mainprife and surety of their personal appearance, as the sheriffs do within every of the three shires of *North Wales*; (2) and that the recognizances of such common mainprife and surety of appearance taken before any of the said sheriffs, shall be as good and effectual as if it were taken by any justice of record.

Certificate of recognizance in Monmouth.

XXII. And that the sheriff of the county of *Monmouth* shall certify such recognizances, common mainprife or surety of appearance, at every quarter-sessions, before the justices of the peace of the said county of *Monmouth*; (2) and that every person or persons within the said county of *Monmouth*, put under common mainprife, and bound to his personal appearance, shall keep their personal appearance at the sessions holden within the said shire of *Monmouth*, next after the clause of *Easter*, and at the sessions to be holden within the said shire next after the feast of *Saint Michael* the archangel, until such time that they be thereof released after the form of the law.

Certificate of recognizances.

XXIII. And that every of the sheriffs of the said counties of *Brecknock, Radnor, Montgomery and Denbigh*, and every of them, shall certify such recognizances, common mainprife or surety of appearance by them taken, before such justice as shall be appointed by our sovereign lord the King within every of the said shires, at every sessions to be holden in any of the said shires before the same justice.

Appearance of them which are bound.

XXIV. And that every person and persons within the said counties of *Brecknock, Radnor, Montgomery and Denbigh*, and also within the abovenamed counties of *Glamorgan, Kaysmerthen, Pembroke and Cardigan*, or any of them, put under common mainprife, and bound to his or their personal appearance, as well by the aforesaid sheriffs, as by the justices of any of the said counties, shall keep their appearances before the said justices at every sessions within the said counties to be holden, in such like manner and form as is used in the three shires of *North Wales*.

Lord marcher shall have half the forfeiture of his tenants.

XXV. And for that the lords marchers before this present parliament have used to put their tenants within their lordships marchers, under such common mainprife and surety of appearance, and have had the forfeitures thereof, which for ever from and after the said feast of *All-Saints*, shall utterly cease and determine: (2) therefore

Farther provisions relating hereto, 1 & 2 Ph. & M. c. 15. f. 5. Co. pl. f. 534.

be it enacted by the authority aforesaid, That after the said feast of *All-Saints*, every lay and temporal person now being a lord marcher, shall have the moiety or half of every forfeiture of all and every common mainprife, recognizance for the peace

or appearance, forfeited by any of their tenants inhabiting within any of their lordships marchers; (3) and they to be paid the same moiety or half by the hands of the sheriffs of every of the same counties where such forfeitures shall be, if the sheriff can levy the same; (4) and the same sheriff to account to our sovereign lord the King for the other half or moiety, in such exchequer as they be bound to be accountant.

XXVI. Be it further enacted by the authority aforesaid, That immediately upon the prorogation or dissolution of this present parliament, the lord chancellor of England shall direct the King's commission under his Grace's great seal, to such persons as to him shall be thought convenient, to enquire and view all the said shires of *Kayermarthen, Pembroke, Cardigan, Monmouth, Brecknock, Radnor, Montgomery, Glamorgan and Denbigh*, and every part and parcel of them; and upon such view and search, to divide them and every of them into so many hundreds as they shall think most meet and convenient; (2) and the hundreds so divided shall return and certify with the said commission into the high court of chancery before the said feast of *All-Saints*, and the same to remain of record, and to be of such force and effect as it were by act of parliament; (3) and that the said hundreds, after the said certificate, shall be used and taken as other hundreds be in every other shire within this realm of *England*.

Commissions to divide the shires of Wales into hundreds.

XXVII. Furthermore it is enacted by the authority aforesaid, That immediately after the prorogation or dissolution of this present parliament, the lord chancellor of England shall direct the King's commission under his Grace's great seal to such persons as to him shall be thought convenient, to enquire and search out, by all ways and means that they can, all and singular laws, usages and customs used within the said dominion and country of *Wales*; (2) and the same shall return and certify to the King's highness, and his most honourable council, before the said feast of *All-Saints* next coming; (3) and that upon deliberate advice thereof had and taken, all such laws, usages and customs as the King's highness and his said most honourable council shall think expedient, requisite and necessary to be had, used and exercised in the before rehearsed shires, or any of them, or in any other shire of the dominion or country of *Wales*, shall stand and be of full strength virtue and effect, and shall be for ever inviolably observed, had, used and executed in the same shires, as if this act had never been had ne made; any thing in the same act contained to the contrary in any wise notwithstanding.

Commissions to inquire the laws and customs of Wales.

XXVIII. And it is further enacted by the authority aforesaid, That for this present parliament, and all other parliaments to be holden and kept for this realm, two knights shall be chosen and elected to the same parliament for the shire of *Monmouth*, and one burgess for the borough of *Monmouth*, in like manner, form and order, as knights and burgesses of the parliament be elected and chosen in all other shires of this realm of *England*, (2) and

Two knights for the shire of *Monmouth*, and one burgess for the town.

(2) and that the fame knights and burgefles ſhall have like dignity, preeminence and privilege, (3) and ſhall be allowed ſuch fees, as other knights and burgefles of the parliament have been allowed; (4) and the knights fees to be levied, perceived, received, gathered and paid in ſuch manner, form and order, as ſuch fees be gathered, levied, perceived, received and paid in other ſhires of this realm of *England*; (5) and the burgefles fees to be levied as well within the borough of *Monmouth* as within all other ancient boroughs within the ſaid ſhire of *Monmouth*.

Knights and burgefles for the parliament in Wales, and their fees.

XXIX. And that for this preſent parliament, and all other parliaments to be holden and kept for this realm, one knight ſhall be choſen and elected to the ſame parliaments for every of the ſhires of *Brecknock*, *Radnor*, *Mountgomery* and *Denbigh*, and for every other ſhire within the ſaid country or dominion of *Wales*; (2) and for every borough being a ſhire town within the ſaid country or dominion of *Wales*, except the ſhire town of the foreſaid county of *Merioneth*, one burgeſs; (3) and the election to be in like manner, form and order, as knights and burgefles of the parliament be elected and choſen in other ſhires of this realm; (4) and that the knights and burgefles, and every of them, ſhall have like dignity, preeminence and privilege, and ſhall be allowed ſuch fees, as other knights of the parliament have and be allowed; (5) and the knights fees to be levied and gathered of the commons of the ſhire that they be elected in; (6) and the burgefles fees to be levied and gathered as well of the boroughs and ſhire-towns as they be burgefles of, as of all other ancient boroughs within the ſame ſhires.

Lords marchers ſhall keep their liberties.

XXX. And it is further enacted by the authority aforeſaid, That all and every lay and temporal perſon and perſons, now being lords marchers, and having any lordſhips marchers or lordſhips royal, ſhall from and after the ſaid feaſt of *All-Scints* have all ſuch myſes and profits of their tenants, as they have had or uſed to have at the firſt entry into their lands in times paſt, (2) and alſo ſhall have, hold and keep, within the precinct of their lordſhips, courts baron, court leets and law-days and all and every thing to the ſame courts belonging; (3) and alſo ſhall have within the precinct of the ſaid lordſhips or law-day, waife, ſtraife, infantheſ, outfantheſ, treaſuretrove, deco-dands, goods and chattels of felons, and of perſons condemned or outlawed of felony or murder, or put in *exigent* for felony or murder, and alſo wreck *de mer*, wharfage and customs of ſtrangers, as they have had in times paſt, and as though ſuch privileges were granted unto them by our ſovereign lord the King by point of charter, any thing in this preſent act to the contrary notwithstanding.

Farther provisions relating hereto, 1 & 2 Ph. & M. c. 15. f. 6.

The customs of North Wales and the county palatine of Lancaſter ſaved,

XXXI. Provided alway, That this preſent act, nor any thing therein contained, ſhall take away or derogate any laws, uſages or laudable customs now uſed within the three ſhires of *North Wales*; (2) nor ſhall not deprive nor take away the whole liberties of the duchy of *Lancaſter*, but that the ſaid liberties ſhall

ſhall continue and be uſed in every lordſhip, parrel of the ſaid duchy, within the dominion and country of *Wales*, as the liberties of the ſaid duchy, be uſed in ſhire ground, and not county palatine, within this realm of *England*.

XXXII. Provided alſo, That this act, nor any thing therein contained, do not extend nor be prejudicial to any perſon or perſons, to avoid any patent, joint patent of any office fees, annuities or reversion of any office fees or annuities to them granted for term of their life or lives; by our ſovereign lord the King, or by any other perſon or perſons, either for the uſing, exerciſing or occupying any manner of office or otherwiſe; (2) but that they ſhall have and enjoy their ſaid fees, and all other offices or conſtableſhips, porterships, ſtewardſhips of leets, law-days, court barons and other offices, being not repugnant againſt this act; (3) and in caſe any ſuch offices be repugnant againſt this act, that then the grantees to have and enjoy their fees during their life or lives; any article or claufe in this preſent act to the contrary in any wiſe notwithstanding.

A reſervation of patents.

XXXIII. Provided alſo, That this act, nor any thing therein contained, be not in any wiſe prejudicial to the right honourable *Henry* earl of *Worceſter*, for the exerciſing, uſing and occupying of the office of the juſtice of the whole county of *Glamorgan*; any thing in this preſent act contained to the contrary in any wiſe notwithstanding.

Earl of Worcester juſtice of Glamorgan.

XXXIV. Provided alſo, That this act, nor any thing therein contained, extend not to deprive, take away or derogate any other acts before this time made for the trial of treaſon, murder or felonies, or accessories of the ſame, committed and done in any lordſhip marcher in *Wales*, in the next ſhires of *England* adjoining to the ſaid lordſhip marcher.

26 H. 8. c. 6.

XXXV. Provided alſo, That lands, tenements and hereditaments lying in the ſaid country and dominion of *Wales*, which have been uſed time out of mind, by the laudable cuſtoms of the ſaid country, to be departed and departable among iſſues and heirs males, ſhall ſtill ſo continue and be uſed in like form, faſhion and condition, as if this act had never been had nor made; any thing in this act to the contrary thereof notwithstanding.

Lands partable.

XXXVI. Provided alſo, and be it enacted by the authority aforeſaid, That the King's highneſs, notwithstanding this act, or any thing therein contained, ſhall have power and authority, for the term of three years next after the end and diſſolution of this preſent parliament, to ſuſpend for ſuch time as ſhall pleaſe his Grace, or utterly to repeal, revoke and abrogate, this whole act or any part thereof, from time to time, as ſhall ſtand with his moſt gracious pleaſure, ſo that every ſuch ſuſpending, repeal and revocation from time to time, as often as any ſuch caſe ſhall happen, ſhall be made in writing under the great ſeal of *England*, and be annexed to the roll of this preſent parliament wherein this act ſhall be inrolled, and proclamations

The King may ſuſpend or revoke this ſtatute.

thereupon to be made in every ſhire within the ſaid country and dominion of *Wales*; (2) and that every ſuch ſuſpending, repeal and revocation, ſo to be had and made by the King's highneſs, ſhall be as good and effectual to all intents and purpoſes, as if the ſame had been done by authority of this preſent parliament; this act, or any thing therein contained to the contrary thereof notwithstanding.

The King
may erect in
Wales ſo
many courts
and juſtices,
&c. as he will.

XXXVII. *And where by this preſent act there is appointed one chancery and one exchequer at Brecknock, and another chancery and exchequer at Denbigh,* it is enacted by authority aforeſaid, That the King's highneſs, from time to time, within the term of five years next after the end of this parliament, for due miniſtration of juſtice in the ſaid country of *Wales*, ſhall have power and authority to erect, make and ordain ſuch court or courts, and ſo many courts of record, and ſuch and ſo many juſtices, miniſters, officers and clerks, as by his highneſs within the time of five years next after the end of this preſent parliament ſhall be thought ſufficient and convenient, as well for the due execution of this act, or of any thing or things that ſhall be had, done or made by authority of the ſame, as for the good governance and rule of the ſaid country of *Wales*.

The office of
prothonotary
and clerk of
the crown.

XXXVIII. Provided alway, That this act, or any thing or things to be done by authority thereof, ſhall not be prejudicial to any perſon or perſons, which now have by the King's letters patents any office or offices of prothonotary or clerk of the crown in the ſaid country or dominion of *Wales*; but that they and every of them ſhall and may ſtill have and uſe their offices in as large and ample manner, form, faſhion and condition, as if this act, or any thing to be done by authority thereof, had never been had or made, any thing in this act to the contrary thereof notwithstanding.

Lord Ferrers's
offices in
Wales re-
ſerved.

XXXIX. Provided alſo, That this act, or any thing therein contained, extend not, or in any wiſe be prejudicial or hurtful to Sir *Walter Devereux*, knight of the noble order of the Garter, and Lord *Ferrers* of *Chartley*, of, for and concerning the offices of chief juſtices of *South Wales*, the office of chamberlain of *South Wales*, and of the counties of *Carmarthen* and *Cardigan* in *South Wales* aforeſaid, and of and for the office of the ſtewardſhip of the lordſhip of *Bealsh* in the marches of *South Wales*, and of and for the office of receivership of the ſaid lordſhip of *Bealsh*, or of, for or concerning any of the ſaid offices; (2) but that the ſaid lord *Ferrers* may have, uſe, exerciſe and enjoy the ſaid offices, and every of them, with all fees, wages, emoluments, commodities and profits to the ſame offices, or to any of them in any wiſe belonging or appertaining, in as large and ample manner, form and condition, as if this act had never been had or made.

1 Ed. 6. c. 10.

CAP. XXVII.

An act eſtabliſhing the court of augmentations.

33 H. 8. c. 39.
7 Ed. 6. c. 2.
1 M. ſeff. 2. c. 10.
1 Eliz. c. 4.

CAP.

C A P. XXVIII.

* *All monasteries given to the King, which have not lands above two hundred pounds by the year.*

FOrasmuch as manifest synne, vicious, carnal and abominable living is dayly used and committed commonly in such little and small abbeys, priories, and other religious houses of monks, canons and nuns, where the congregation of such religious persons is under the number of twelve persons, whereby the governors of such religious houses, and their covent, spoyle, destroye, consume and utterly waste, as well their churches, monasteries, priories, principal houses, farms, granges, lands, tenements and hereditaments, as the ornaments of their churches, and their goods and chatells, to the high displeasure of Almighty God, slander of good religion, and to the great infamy of the King's highness and the realm, if redress should not be had thereof. And albeit that many continual visitations hath been heretofore had, by the space of two hundred years and more, for an honest and charitable reformation of such unthristy, carnal and abominable living, yet nevertheless little or none amendment is hitherto had, but their vicious living shamelessly encreaseth and augmenteth, and by a cursed custome so rooted and infected, that a great multitude of the religious persons in such small houses do rather choose to rove abroad in apostacy, than to conform themselves to the observation of good religion; so that without such small houses be utterly suppressed, and the religious persons therein committed to great and honourable monasteries of religion in this realm, where they may be compelled to live religiously, for reformation of their lives, the same else be no redress nor reformation in that behalf. In consideration whereof, the King's most royall Majesty, being supreme head on earth, under God, of the church of England, dayly studying and devising the increase, advancement and exaltation of true doctrine and virtue in the said church, to the only glory and honour of God, and the total extirping and destruction of vice and sin, having knowledge that the premisses be true, as well by the accompts of his late visitations, as by sundry credible informations, considering also that divers and great solemn monasteries of this realm, wherein (thanks be to God) religion is right well kept and observed, be destitute of such full number of religious persons, as they ought and may keep, both thought good that a plain declaration should be made of the premisses, as well to the lords spiritual and temporal, as to other his loving subjects the commons, in this present parliament assembled: whereupon the said lords and commons, by a great deliberation, finally be resolved, that it is and shall be much more to the pleasure of Almighty God, and for the honour of this his realm, that the possessions of such small religious houses now being spent, spoiled and wasted for increase and maintenance of sin, should be used and committed to better uses, and the unthristy religious persons, so spending the same, to be compelled to reform their lives: And thereupon most humbly desire the King's highness that it may be enacted by authority of this present parliament, That his Majesty shall have and enjoy to him and his

* An act that all religious houses under the yearly revenue of two hundred pounds shall be dissolved and given to the King and his heirs.
—Rot. Parl'.
—Prima Pars.—

This statute is omitted by Rastal.

All monaſteries given to the King which have not above two hundred pounds lands. Watſon's Compl. Intumb.

c. 48.

31 H. 8. c. 13.

35 H. 8. c. 14.

37 H. 8. c. 20.

1 Ed. 6. c. 14.

The King ſhall have all monaſteries before aſſured to him, or that have been ſuppreſſed.

Hob. 242, 307.

They ſhall enjoy thoſe abbey lands to whom the King hath given them.

his heirs for ever, all and ſingular ſuch monaſteries, priories and other religious houſes of monks, carlons and nuns, of what kinds of diverſities of habits, rules or order ſoever they be called or named, which have not in lands, tenements, rents, tythes, portions and other hereditaments, above the clear yearly value of two hundred pound. (2) And in like manner ſhall have and enjoy all the ſites and circuits of every ſuch religious houſes, and all and ſingular the manors, granges, meaſes, lands, tenements, rents, reverſions, ſervices, tithes, penſions, portions, churches, chapels, advowſons, patronages, annuities, rights, entries, conditions, and other hereditaments appertaining or belonging to every ſuch monaſtery, priory or other religious houſe, not having, as is aforeſaid, above the ſaid clear yearly value of two hundred pound, in as large and ample manner as the abbots, priors, abbeſſes, priořeſſes and other governors of ſuch monaſteries, priories and other religious houſes now have, or ought to have the ſame in the right of their houſes. (3) And that alſo his Highneſs ſhall have to him and to his heirs all and ſingular ſuch monaſteries, abbeys and priories, which at any time within one year next before the making of this act hath been given and granted to his Maſteſty by any abbot, prior, abbeſs or priořeſs, under their covent ſeals, or that otherwiſe hath been ſuppreſſed or diſſolved, and all and ſingular the manors, lands, tenements, rents, ſervices, reverſions, tithes, penſions, portions, churches, chapels, advowſons, patronages, rights, entries, conditions, and all other intereſts and hereditaments to the ſame monaſteries, abbeys and priories, or to any of them appertaining or belonging; (4) to have and to hold all and ſingular the premiſſes, with all their rights, profits, juriſdictions and commodities, unto the King's maſteſty, and his heirs and aſſigns for ever, to do and uſe therewith his and their own wills, to the pleaſure of Almighty God, and to the honour and profit of this realm.

II. And it is ordained and enacted by the authority aforeſaid, That all and every perſon and perſons, and bodies politick, which now have, or hereafter ſhall have, any letters patents of the King's highneſs, of any of the ſites, circuits, manors, lands, tenements, rents, reverſions, ſervices, tithes, penſions, portions, churches, chapels, advowſons, patronages, tithes, entries, conditions, intereſts or other hereditaments, which appertained to any monaſteries, abbeys or priories, heretofore given or granted to the King's highneſs, or otherwiſe ſuppreſſed or diſſolved, or which appertaineth to any of the monaſteries, abbeys, priories or other religious houſes, that ſhall be ſuppreſſed or diſſolved by the authority of this act, ſhall have and enjoy the ſaid ſites, circuits, manors, lands, tenements, rents, reverſions, ſervices, tithes, penſions, portions, churches, chapels, advowſons, patronages, tithes, entries, conditions, intereſts and all other hereditaments, contained and ſpecified in their letters patents now being thereof made, and to be contained and expreſſed in any letters patents hereafter to be made, according to the tenor, purport and effect of any ſuch letters patents;

patents; and shall also have all such actions, suits, entries and remedies to all intents and purposes, for any thing and things contained in every such letters patents now made, or to be contained in any such letters hereafter to be made, in like manner, form and conditions, as the abbots, priors, abbeses, prioresses, and other chief governors of any religious houses which had the same, might or ought to have had, if they had not been suppressed or dissolved.

III. Saving to every person and persons, and bodies politick, their heirs and successors, (other than the abbots, priors, abbeses, prioresses, and other chief governors of the said religious houses specified in this act, and the covents of the same, and their successors, and such as pretend to be founders, patrons or donors of such religious houses, or of any lands, tenements or hereditaments belonging to the same, and their heirs and successors) all such right, title, interest, possessions, leases for years, rents, services, annuities, commodities, fees, offices, liberties and livings, pensions, portions, corrodies, synodies, proxies, and all other profits, as they or any of them hath, ought or might have had, in or to any of the said monasteries, abbies, priories or other religious houses, or in or to any manors, lands, tenements, rents, reversions, tithes, pensions, portions, or other hereditaments appertaining or belonging, or that appertained to any of the said monasteries, priories or other religious houses, as if the same monasteries, priories or other religious houses had not been suppressed by this act, but had continued in their essential bodies and states that they now be, or were in.

A saving of the right of others.

IV. Provided always, and be it enacted, That forasmuch as divers of the chief governors of such religious houses, determining the utter spoil and destruction of their houses, and dreading the suppressing thereof, for the maintenance of their detestable lives, have lately fraudently and craftily made feoffments, estates, gifts, grants and leases, under the covent seals, or suffered recoveries of their manors, lands, tenements and hereditaments in fee-simple, or fee-tail, for term of life or lives, or for years, or charged the same with rents or corrodies, to the great decay and diminution of the houses; that all such crafty and fraudulent recoveries, feoffments, estates, gifts, grants and leases, and every of them, made by any of the said chief governors of such religious houses, under their covent seals, within one year next before the making of this act, shall be utterly void and of none effect: (2) provided always, That such person and persons as have leases for term of life or years, whereupon is reserved the old rents and farms accustomed, and such as have any offices, fees or corrodies, that have been accustomed or used in such religious houses, and have bought any livery or living in any such houses, shall have and enjoy their said leases, offices, fees, corrodies, liberties, liveries and livings, as if this act had never been made.

Fraudulent assurances made by governors of houses before their dissolutions shall be void.

V. And it is further enacted, by authority aforesaid, That the Ornaments, King's highness shall have and enjoy to his own proper use, all jewels, goods,

chattels, debts
of monaſte-
ries, given to
the King.

ſuch ornaments, jewels, goods, chattels and debts, which ap-
pertained or belonged to any of the chief governors of the ſaid
monaſteries or religious houſes, in the right of their ſaid mona-
ſteries or houſes, at the firſt day of *March* in the year of our
Lord God 1535. or any time ſithen whenſoever, and to whoſe
poſſeſſion ſoever they ſhall come or be found, except only ſuch
beaſts, grain and woods, and ſuch other like chattels and reve-
nues, as have been ſold before the ſaid firſt day of *March* or
ſithen, for the neceſſary or reaſonable expences or charges of
any of the ſaid monaſteries or houſes.

Provided always, That ſuch of the ſaid chief governors which
have been elect or made abbot, prior, abbets or prioreſſes of any
of the ſaid religious houſes ſithen the firſt day of *January*, which
was in the year of our Lord God 1534. and by reaſon thereof
be bounden to pay the firſt-fruits to the King's highneſſes, at days
to come, limited by their bonds made for the ſame, that in every
ſuch caſe ſuch chief governors and their ſureties, or any of them,
ſhall be clearly diſcharged by authority of this act, againſt the
King's highneſſes, and all other perſons, for the payment of ſuch
ſums of money as they ſtand bounden to pay for the ſaid firſt-
fruits, or for any part thereof. And forasmuch as the clear yearly
value of all the ſaid monaſteries, priories and other religious
houſes in this realm, is certified into the King's exchequer,
amongſt the books of the yearly valuation of all the ſpiritual
poſſeſſions of this realm, amongſt which ſhall and may appear
the certainty and number of ſuch ſmall and little religious houſes,
as have not in lands, tenements, rents, tythes, portions and
other hereditaments, above the ſaid clear yearly value of two
hundred pounds:

The King
ſhall have the
actual poſſeſ-
ſion of the ab-
bey lands.

VI. Be it therefore enacted by authority aforeſaid, That the
King's highneſſes ſhall have and enjoy, according to this act,
the actual and real poſſeſſion of all and ſingular ſuch monaſte-
ries, priories and other religious houſes, as ſhall appear by the
ſaid certificate remainig in the King's exchequer, not to have
in lands, tenements, rents, tithes, portions and other heredita-
ments, above the ſaid clear yearly value of two hundred pounds,
ſo that his Highneſſes may lawfully give, grant and diſpoſe them,
or any of them, at his will and pleaſure, to the honour of God,
and the wealth of this realm, without farther inquisitions or of-
fices to be had or found for the ſame.

* All that follows
to ſect. 7. is
omitted in Pul-
ton's and Ke-
ble's ſtatutes;
but is in the
parliament re-
cords. Vid.
Watſon's
compl. In-
cumb. 536.

* In conſideration of which premiſſes to be had to his Highneſſes,
and to his heirs, as is aforeſaid, his Maſteſty is pleaſed and con-
tented, of his moſt excellent charity, to provide to every chief
head and governor of every ſuch religious houſe, during their
lives, ſuch yearly penſions and benefices as for their degrees and
qualities ſhall be reaſonable and convenient, wherein his High-
neſſes will have moſt tender reſpect to ſuch of the ſaid chief go-
vernors, as well and truly preſerve and keep the goods and orna-
ments of their houſes, to the uſe of his Grace, without ſpoil,
waſte, or embezzling the ſame; and alſo his Maſteſty will ordain
and provide, that the covents of every ſuch religious houſe ſhall
have

have their capacities, if they will, to live honeftly and virtuously abroad, and fome convenient charity difpofed to them towards their living, or elfe fhall be committed to fuch honourable great monafteries of this realm wherein good religion is obferved, as fhall be limited by his Highnefs, there to live religiously during their lives; and it is ordained by the authority aforefaid, That the chief governors and covents of fuch honourable great monafteries fhall take and accept into their houfes, from time to time, fuch number of the perfons of the faid covents as fhall be affigned and appointed by the King's highnefs, and keep them religiously, during their lives, within their faid monafteries, in like manner and form as the covents of fuch great monafteries be ordered and kept.

Provided always, that all archbifhops, bifhops and other perfons which be or fhall be chargeable to and for the collection of the tenths, granted and going out of the fpiritual poffeffions of this realm, fhall be difcharged and acquitted of and for fuch parts and portions of the faid tenths wherewith the faid houfes of religion, fuppreffed and diffolved by this act, were charged or chargeable to the King's highnefs, except of fuch fums of money thereof, as they or any of them have or fhall have received for the faid tenths, of the chief governors of fuch religious houfes.

Provided alfo, That where the clergy of the province of *Canterbury* ftand and be indebted to the King's highnefs in great fums of money, remaining yet unpaid, of the reft of a hundred thoufand pounds granted and given to his Grace in their convocation, towards the payment whereof the faid religious houfes fhould have been contributory if they had not been fuppreffed by this act; and alfo fome of the governors of the faid religious houfes have been collectors for levying of the faid debt, and have received thereof great fums of money yet remaining in their hands; the King's moft royal majefty is pleafed and contented to deduct, abate, releafe and defalk, to the faid clergy, of the faid reft yet unpaid, as well fuch fums of money as any the chief governors of fuch religious houfes hath received, and not paid, as fo much money as every of the faid religious houfes, fuppreffed by this act, were rated and taxed to pay in any one year, to and for the payment of the faid hundred thoufand pounds: and alfo the King's majefty is pleafed and contented, that it be enacted by authority aforefaid, that his Highnefs fhall fatisfy, content and pay all and fingular fuch juft and true debts which been owing to any perfon or perfons by the chief governors of any the faid religious houfes, in as large and ample manner as the faid chief governors fhould or ought to have done if this act had never been made:

Provided alway, That the King's highnefs, at any time after the making of this act, may at his pleafure ordain and declare, by his letters patents under his great feal, that fuch of the faid religious houfes which his Highnefs fhall not be difpofed to have fuppreffed nor diffolved by authority of this act, fhall ftill

23 H. 8. c. 20.

25 H. 8. c. 20.

f. 2.

continue, remain and be in the ſame body corporate, and in the ſaid eſſential eſtate, quality and condition, as well in poſſeſſions as otherwiſe, as they were afore the making of this act, without any ſuppreſſion or diſſolution thereof, or of any part of the ſame, by authority of this act, and that any ſuch ordinance and declaration, ſo to be made by the King's highneſs, ſhall be good and effectual to the chief governors of ſuch religious houſes which his Maſteſty will not have ſuppreſſed, and to their ſucceſſors, according to the tenors and purpoſts of the letters patents thereof to be made; any thing or things contained in this act to the contrary hereof notwithstanding.

Provided alſo, That where the clergy of the province of *York* ſtand and be indebted to the King's highneſs in great ſums of money yet unpaid, of the reſt of ſuch ſums of money which was granted by them to his Maſteſty in their convocation, towards the payment whereof the religious houſes that ſhall be ſuppreſſed and diſſolved by this act, being within the ſame province, ſhould have been contributory if they had not been diſſolved, and alſo ſome of the governors of the ſaid religious houſes within the ſaid province, that ſhall be ſuppreſſed by this act, have been collectors for levying of part of the ſaid ſums of money granted to the King's highneſs as is aforeſaid, and have certain ſums thereof in their hands yet unpaid, the King's maſteſty is pleaſed and contented to deduct, abate, releaſe and defalk, to the ſaid clergy of the ſaid province of *York*, of the reſt of their ſaid debt yet unpaid, as well ſuch of the ſaid ſums of money, as any chief governors of any religious houſes within the ſame province, that ſhall be ſuppreſſed by this act, hath collected and not paid, as ſo much money as every of the ſaid religious houſes, ſuppreſſed by this act, were rated and taxed to pay in any one year, towards the payment of the ſaid ſums of money granted to the King's highneſs.

A proviso for
the cells of
other monaſ-
teries being
under obe-
dience:

VII. Provided always, That this act, or any thing or things therein contained, ſhall not extend, nor be prejudicial to any abbots or priors of any monaſteries or priories being certified into the King's exchequer to have in poſſeſſions and profits ſpiritual and temporal above the clear yearly value of two hundred pounds, for or concerning ſuch cells of religious houſes, appertaining or belonging to their monaſteries or priories, in which cells the priors or other chief governors thereof be under the obedience of the abbots or priors to whom ſuch cells belong, as the monks or canons of the covents of their monaſteries or priories, and cannot ſue nor be ſued, by the laws of this realm, in or by their own proper names, for the poſſeſſions or other things appertaining to ſuch cells whereof they be priors or governors, but muſt ſue and be ſued in and by the names of the abbots or priors to whom they be obedieners, and to whom ſuch cells belong; (2) and alſo be priors or governors ſative, and removable from time to time, and accountants of the profits of ſuch cells, at the only pleaſure and will of the abbots or priors to whom ſuch cells belong; but that every ſuch cell ſhall be

and

and remain undissolved in the same estate, quality and condition, as if this act had never been made; any thing in this act to the contrary hereof notwithstanding.

VIII. Saving always, and reserving unto every person and persons, being founders, patrons or donors of any abbies, priories or other religious houses, that shall be suppressed by this act, their heirs and successors, all such right, title, interest, possession, rents, annuities, fees, offices, leases, commons, and all other profits whatsoever, which any of them have, or should have had, without fraud or covin, by any manner of means, otherwise than by reason or occasion of the dissolution of the said abbies, priories or other religious houses, in, to or upon any the said abbies, priories or other religious houses, whereof they be founders, patrons or donors, or in, to or upon any the lands, tenements or other hereditaments appertaining or belonging to the same, in like manner, form and condition, as other persons and bodies politick be saved by this act, as is afore rehearsed, and as if the said abbies, priories or other religious houses had not been suppressed and dissolved by this act, but had continued still in their essential bodies and estates as they be now in; any thing in this act to the contrary hereof notwithstanding.

The right of founders and patrons saved.

IX. And be it further enacted, ordained and established by authority afore said, That all and singular persons, bodies politick and corporate, to whom the King's majesty, his heirs and successors, hereafter shall give, grant, let or demise any site or precinct, with the houses thereupon builded, together with the demesns of any monasteries, priories or other religious houses, that shall be dissolved or given to the King's highness by this act, and the heirs, successors, executors and assigns of every such person, body politick and corporate, shall be bound by authority of this act, under the penalties hereafter ensuing, to keep, or cause to be kept, an honest continual house and household in the same site or precinct, and to occupy yearly as much of the same demesns in ploughing and tillage of husbandry, that is to say, as much of the said demesns which hath been commonly used to be kept in tillage by the governors, abbots or priors of the same houses, monasteries or priories, or by their farmer or farmers occupying the same within the time of twenty years next before this act.

Hospitality and husbandry shall be kept upon the site of the houses suppressed. Rep. 21 Jac. 1. c. 22.

X. And if any person or persons, bodies politick or corporate, that shall be bounden by this act, do not keep an honest household of husbandry and tillage, in manner and form as is afore said, that then he or they so offending shall forfeit to the King's highness for every month so offending, six pounds thirteen shillings and four-pence, to be recovered to his use in any of his courts of record.

XI. And over that it is enacted by authority afore said, That all justices of peace, in every shire where any such offence shall be committed or done, contrary to the true meaning and intent of this present act, shall, in every quarter and general sessions within

Justices of peace shall enquire of and punish offenders.

within the limits of their commiſſion, enquire of the premiſſes, and ſhall have full power and authority to hear and determine the ſame, (2) and to tax and aſſeſs no leſs fine for every the ſaid offences, than is afore limited for the ſame offences, (3) and the eſtreats thereof to be made and certified into the King's exchequer, according and at ſuch time and form, as other eſtreats of fines, iſſues and amerciaments been made by the ſame juſtices.

Cui quidem bille perleſt &c. talit'eſt reſpons' le Roy le vult.

Statutes made at *Westminster*, Anno 28 HEN. VIII.
and Anno Dom. 1536.

ACTS made in the parliament begun and holden at Westminster the eighth day of June in the eight and twentieth year of the reign of our most dread sovereign lord King Henry the Eighth, and there continued and kept till the dissolution of the same parliament the eighteenth day of July, to the honour of God, and for the common weal and profit of this his realm.

CAP. I.

An act that abjurers in cases of petty treason shall not have clergy.

A rehearsal of the statute of 21 H. 8. c. 14. touching the using of sanctuary-persons.

WHERE in the last parliament begun and holden at London the third day of November in the one and twentieth year of the King's most gracious reign, and from thence adjourned to Westminster, and there holden and continued by divers and sundry prerogations, it was enacted, amongst other things, That such person and persons which did flee or resort to any parish church, cemetery or other like hallowed place, for tuition of his life, by occasion of any murder, robbery or other felony by the same person committed, and thereupon confessed any murder, felony or other offence before a coroner, for the which the same person, by the law of this realm afore that time used, should abjure and pass out of this realm, shall be directed by the coroner to take his abjuration to any one sanctuary being within this realm, which the same person would elect and choose, there to remain as a sanctuary-man abjured during his natural life; (2) and if after such abjuration any person so abjured came out of the same sanctuary to the which he was assigned, and be taken without the same sanctuary, not having the King's special pardon or licence so to do; that then every such person abjured, and after abjuration taken without sanctuary whereunto he was assigned, should suffer like pain of death, and after such like manner should be ordered, as he should have done and bidden in case he had abjured this realm for murder or felony, and after such abjuration had returned again into this realm, contrary

trary to the laws of this land; (3) and it is further ordained by the same act, That if any such sanctuary-person so abjured, or any other person or persons which then were, or at any time after should happen to be, in any sanctuary within this realm for doing of any petty treason, murder or felony, or for being accessory to any such offences; or if any person or persons, which, at any time after the making of the same act, should take any sanctuary of this realm, for any petty treason, murder or felony, or for being accessory to any such offences, or upon abjuration; and so being in sanctuary for any such cause, matter or offence, afterward commit any petty treason, murder or felony within the same sanctuary, or be accessory to any such offences, or go out of the same sanctuary and commit any petty treason, murder or felony, or be accessory to any such offences, and afterward come again to the same sanctuary, or take any other sanctuary for the same, that every such person and persons, being indicted for any of the said causes or offences, should lose the privilege of the sanctuary by him taken, and of every other sanctuary within this realm, for any such cause of petty treason, murder, felony or abjuration, or for any accessory to any such offences.

Felons abjuring for petty treason, &c. shall not have clergy.

II. And it was further ordained by the same act, That all foreign pleas triable by the country, which should be pleaded by any person or persons arraigned upon any indictment for any petty treason, murder or felony, should be tried before the same justices afore whom such persons should be arraigned, and by the same jurors of the county that shall try the petty treason, murder or felony, without any further respect or delay; (2) and that no person arraigned for any petty treason, murder or felony, should be admitted to any peremptory challenge above the number of twenty; (3) which act was made to endure to the end of the next parliament, as by the said act, amongst divers clauses and provisions contained in the same, more plainly is expressed.

Trial of foreign pleas.

No peremptory challenge above the number of 20.

III. And where also in the same parliament it was enacted, That no person or persons, which should happen to be found guilty, after the laws of this realm, for any manner of petty treasons, or for any wilful murder of malice prepensed, or for robbing of any churches, chapels or other holy places, or for robbing of any person or persons in their dwelling-houses or dwelling places, the owner or dweller in the said house, his wife, his children, or servants then being within, and put in fear and dread by the same; or for robbing of any person or persons in or near about the highways, or for wilful burning of any dwelling-houses, or barns wherein any corn or grain shall happen to be; nor that any person or persons being found guilty of any abetment, procurement, helping, maintaining or counselling of or to any such petty treasons, murders or felonies, should be admitted to the benefit of their clergy, (such as be within holy orders, that is to say, of the orders of subdeacon, or above, all only except) with many other clauses and provisions contained in the said act, as by the same act more plainly appeareth; (2) which act was also made to continue and endure to the last day of the next parliament.

25 H. 8. c. 3. Clergy taken from divers persons which do commit several offences.

IV. And where alſo in the ſame parliament it was further enacted, That every ſuch perſon and perſons, which ſhould happen to be indicted of any petty treaſon, wilful burning of houſes, murder, robbery or burglary or other felony, according to the tenor and meaning of the ſaid eſtate next above rehearſed, and thereupon arraigned, did ſtand mute of malice or forward mind, or challenge peremptory above the number of twenty, or elſe will not answer directly to the ſame indictment and felony whereupon they ſhall be arraigned, that then every ſuch perſon and perſons ſhould loſe the benefit and privilege of their clergy.

25 H. 8. c. 3.

V. And it was alſo ordained by the ſame act, That if any perſon or perſons be indicted, and found guilty for ſtealing of any goods or chatels in any county of this realm, or being indicted ſtand mute of malice, or challenge peremptory above the number of twenty perſons, or will not answer directly to the law, ſhould alſo loſe the benefit of their clergy, in like manner and form as they ſhould have done if they had been indicted, arraigned and found guilty in the ſame county where the ſame robbery or burglary was done, if it ſhall appear to the juſtices, by evidence or examination, that the ſaid felons or robbers, arraigned before them, ſhould or ought to have loſt their clergy by force of the ſaid eſtate, in caſe they had been found guilty of the ſame felonies or burglaries in the ſame ſhire where they were committed, as by the ſaid act amongſt other things more at large is expreſſed.

The ſtatute of 25 H. 8. c. 6. rehearſed, and made to continue unto the next parliament.

VI. And whereas alſo in the ſaid parliament it was further ordained, That the deteſtable vice of buggery, committed with mankind or beaſt, ſhould be felony, and that the offenders therein ſhould loſe the privilege of their clergy; (2) which act was made to endure to the laſt day of the next parliament, as by the ſame act, among other things, it appeareth more at large. (3) Forasmuch as the ſaid acts be beneficial and profitable for the common wealth of this realm: be it therefore enacted by authority of this preſent parliament, That the ſaid acts, and every of them, and all clauses and provisions contained in the ſame, ſhall ſtand in full ſtrength and virtue; and ſo from henceforth to continue and endure unto the laſt day of the next parliament.

Perſons in holy orders ſubject to the ſame pains that others be. 23 H. 8. c. 11. Made perpetual 31 H. 8. c. 3. Rep. 1 Mar. ſtat. 1. c. 1. f. 5.

VII. And be it alſo enacted by authority aforeſaid, That ſuch as be within holy orders ſhall from henceforth ſtand and be under the ſame pains and dangers for the offences contained in any of the ſaid ſtatutes, and be uſed and ordered to all intents and purpoſes, as other perſons not being within holy orders; any provision or exception ſpecified in any of the ſaid acts, or any other uſage or cuſtom of this realm, to the contrary thereof notwithstanding. (2) This act to endure unto the laſt day of the next parliament.

CAP. II.

Rep. 1 M. ſeſſ. The ſtatutes of 21 H. 8. c. 7. and 27 H. 8. c. 17. touching ſervants imbeziling their maſters goods, made perpetual.

CAP. III.

Authority given to the King during three years to allot newly the towns in the shires and marches of Wales, notwithstanding the statute of 27 H. 8. c. 26. Continued for three years by 31 H. 8. c. 11.

CAP. IV.

The repeal of the statute made Anno 21. for doulas and Lockeram.

WHERE in the parliament holden at Westminster the third day of November in the xxi. year of the reign of our sovereign lord King Henry the Eighth, amongst other things it was enacted and established, That no person or persons English nor stranger, denizen or alien, from or after the feast of St. Michael the archangel then next following, should bring or convey, or cause to be conveyed or brought, by any manner of means, into this realm of England, any linen cloth called doulas or lockerams, unless every whole piece of doulas contained in length five score ells of assise, accounted to every ell one inch of assise, and in breadth one yard of assise, and every half piece fifty ells in length, and one yard in breadth of like assise, and all the whole piece and half piece of the goodness in making. (2) And also it was there enacted and established, That every whole piece of lockerams should be of like length as the whole piece of doulas; and every half piece of lockerams should be of like length as the half piece of doulas; and every such whole piece and half piece of lockerams to be in breadth a whole yard lacking a nail of the yard. (3) and every piece and half piece to be in like goodness by all the length of the same piece. (4) upon pain of forfeiture of the same doulas and lockerams so to be brought or conveyed into this realm, not containing the full length, breadth and goodness, or the value thereof, as in the same statute more plainly at large doth appear: (5) Justice the making of which act a great number of the King's subjects, that is to say, weavers, tuckers, spinners, dyers, and wool-pickers, and many others, have been idle and without work, to their great impoverishing, which more and more is like daily to increase, if remedy be not provided; forasmuch as the cloth-makers, which before the making of the said act were wont to convey their said cloths into Britain, where the said linen cloth called doulas and lockerams is made, and from thence to bring with them the said linen cloth called doulas and lockeram, which they cannot do, since the making of the said act, without danger and forfeiture of the said linen cloth, by reason that there shall no Englishman be suffered to carry or convey any of the said cloths, called doulas or lockerams, from the parties of beyond the sea into this realm, of the length contained in the said act; which will make the said cloth-makers to leave the making of their cloth, to the great and manifold perils of the King's subjects: be it therefore enacted by the King our sovereign lord, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That the said act made in the said xxi. year, be to all intents, purposes and constructions in the law, made

A rehearsal of the statute of 21 H. 8. c. 14. touching the length and breadth of doulas and lockeram.

How the aforesaid statute is prejudicial to cloth-makers.

A repeal of the said statute.

utterly

things, for or concerning his or their freedom or occupation, otherwise or in any other manner than before is recited, limited and appointed in the said former act made in the said twenty-second year of the reign of King Henry the Eighth, (9) upon the pain to forfeit for every time that they, or any of them, shall offend contrary to this act, xl. li. the one half thereof to the King our sovereign lord, and the other half to the party that will sue for the same, in any of the King's courts, by action of debt, information or otherwise; in which suit or action no protection nor effoin shall be allowed for the party defendant.

CAP. VI.

An act made for continuance of the statutes of 22 H. 8. c. 12. 22 H. 8. c. 7. 26 H. 8. c. 11. and 25 H. 8. c. 6. for beggars and vagabonds, against conveyance of horses and mares out of this realm, against *Welchmen* making affrays in the counties of Hereford, Gloucester, and Salop, and against the vice of buggery. — to endure to the last day of the next parliament.

CAP. VII.

An act concerning the succession of the crown.

Ex edit. Pult.

IN their most humble wise shewen to your most royal Majesty, the lords spiritual and temporal, and all other your most loving and obedient subjects, the commons in this your most high court of parliament assembled, that where in your last parliament begun and holden at London the iii. day of November, in the xxi. year of your most gracious reign, and from thence adjourned to Westminster, and there holden and continued by divers and sundry prorogations unto the xv. day of January, in the xxv. year of your most noble reign, and there shew holden: it was made and ordained an act concerning amongst many things as well for ratification, and confirmation of your marriage, then had and solemnized between your Highness and the late lady Anne Bolein marquess of Pembroke, as for the limitation of the succession of your imperial crown of this realm, to the issue of your body begotten, and to be begotten of the body of the said lady Anne, with divers remainders over for default of such issue, as in the said act plainly and particularly more at large is expressed and mentioned. And where also by the said act it was ordained and established, that all and singular your subjects should take a corporal oath for the fulfilling, maintaining and defending the whole effects and contents of the said act. And it was further ordained by the said act amongst other things, that if any person or persons, subject or resistant within this realm, or within any your Grace's dominions, after the 1. day of May, then next ensuing, by writing, print, deed, or act procured, or did, or caused to be procured or done any thing or things to the prejudice, slander, disturbance, or derogation of the said matrimony, solemnized between your Majesty and the said lady Anne, or to the peril, slander, or disherison of any the issues, and heirs of your Highness, being limited by the same act to inherit, and to be inheritable to the crown of this realm, whereby any such issues or heirs of your Highness might be destroyed, disturbed, or interrupted in body, or title of inheritance to the crown of this realm,

A rehearsal of the stat. of 25 H. 8. c. 22. touching the King's marriages, and limitation of succession to the crown.

as to them is limited in the ſame act: that then every ſuch perſon and perſons, and their aiders, counſellers, maintainers, and abettors, and every of them, for every ſuch offence, ſhould be adjudged high traitors, and that every ſuch offence ſhould be adjudged high treason: And the offenders and their aiders, counſellers, maintainers, and abettors, and every of them being lawfully convicted of ſuch offence by preſentment, verdict, confeſſion or proceſs, according to the cuſtoms and laws of this realm, ſhould ſuffer pains of death, as in caſes of high treason: as in the ſaid act amongſt many other articles, clauses, and proviſions, is more at large mentioned and ſpecified.

II. And alſo in the ſaid parliament holden at Weſtminſter by prorogation, in the third day of November in the xxvi. year of your moſt noble reign, another act was made for declaration and ratification of the ſaid oath, which divers of your ſubjects then had taken, and all your ſubjects after that were bound to take for due obſervation of the ſaid act of the ſaid ſucceſſion, as by the ſame act amongſt other things is alſo ſpecified and expreſſed: Stat. 26 H.8.4.

III. And albeit, moſt dread ſovereign lord, the ſaid acts were then made, as it was then thought by your Maſteſty, nobles and commons, upon a pure, perfect, and clear foundation, thinking the ſaid marriage then had between your Highneſs and the ſaid lady Anne, in their conſciences to have been pure, ſincere, perfect and good, and ſo was reputed, accepted, and taken in the realm, till now of late, that God of his infinite goodneſs, from whom no ſecret things can be hid, hath cauſed to be brought to light, evident and open knowledge, as well certain, juſt, true, and lawful impediments unknown at the making of the ſaid acts; and ſithen that time hath been confeſſed by the ſaid lady Anne, before the moſt reverend father in God Thomas archbiſhop of Canterbury, metropolitan and primate of all England, ſitting judicially for the ſame: by the which plainly appeareth, that the ſaid marriage between your Grace and the ſame lady Anne, was never good nor conſonant to the laws, but utterly void and of none effect. By reaſon whereof your Highneſs was and is lawfully divorced, and ſeparated from the bonds of the ſaid marriage in the life of the ſaid lady Anne. And this notwithstanding moſt gracious ſovereign lord, the lady Elizabeth your daughter being born under the ſaid unlawful marriage, by virtue and authority of the act of your ſucceſſion above remembred, for lack of heir males of your body ſhould immediately ſucceed as your lawful heir in the moſt royal eſtate of your imperial crown of this realm, againſt all honour, equity, reaſon, and good conſcience, if remedy ſhould not be provided for the ſame. And over this, moſt dread ſovereign lord, albeit that your Maſteſty not knowing of any lawful impediments, entered into the bonds of the ſaid unlawful marriage, and advanced the ſame lady Anne to the honour of the ſovereign eſtate of Queen of this realm: yet nevertheless ſhe inflamed with pride, and carnal deſires of her body, putting apart the dread of God, and excellent benefits received of your Highneſs, confederated herſelf with George Boleine late lord Rochford, her natural brother, Henry Norris eſquire, Francis Weſton knight, William Brereton eſquire, gentlemen of your privy chamber, and Mark Smeton groom of your ſaid privy chamber, and ſo being confederate, ſhe and they moſt traiterouſly com-

The marriage between the King, and lady Anne Boleine was never good, nor conſonant to law. The lady Elizabeth not born in lawful marriage.

Treason committed by the lady Anne Boleine and

others attainted and executed.

mitted and perpetrated divers detestable and abominable treasons, to the most fearful peril and danger of the destruction of your most royal person, and to the utter loss, disherison and desolation of this realm, if God of his goodness had not in due time brought their said treasons in light: for the which being plainly and manifestly proved, they were convicted, and attainted by the due course and order of your common laws of this realm, and have suffered according to their merits, as by the records thereof more at large may appear.

IV. *And albeit most gracious and most dread sovereign lord, divers and sundry honourable, just, true and reasonable clauses be contained and expressed in the same act, made for the establishment of your succession, which be very necessary and profitable for the common wealth of this realm: yet nevertheless because certain articles and clauses contained in the same, concerning the ratification of your said unlawful marriage, between your Highness and the said lady Anne, and the limitation of your succession to the issues of your body had by the said lady Anne, and the other expressed and mentioned in both the acts above remembered for the defending and maintaining the whole effects and contents of the said act, which clauses and articles be now become of late so dishonourable and so far distant from the due course of your common laws of your realm, and also so much against good reason, equity and good conscience, that they cannot be sustained, nor tolerated to continue, and endure without great peril of division hereafter to be had, by occasion of the same amongst us your said most humble, loving, and obedient subjects, and our posterities.* It may therefore please your Highness of your most excellent and accustomable goodness, and for the entire love, favour, and hearty affection that your Majesty hath always borne, and beareth to the common wealth of this your realm, and for the conservation of the good peace, unity, and rest of us your most bounden and obedient subjects, and of our said posterities, that it may be enacted by authority of this present parliament, that the said ii. acts and every of them, and all clauses, articles, and provisions therein contained, from the first day of this present parliament, shall be repealed, adnulled, and made frustrate, and of none effect.

A repeal of the stat. of 25 H. 8. c. 22. and 26. H. 8. c. 2.

They shall not be pardoned which have offended before the first day of this parliament.

V. *Provided alway that the said repeal, and adnullation of the said act, which was made for the establishment of your succession, shall not be taken, expounded, nor understood to discharge any person or persons which have done or committed any offences of treason or misprision of treason contrary to the same act, or any part thereof, at any time afore the first day of this present parliament: but that such offences of treason and misprision of treason, done and committed by any person or persons, contrary to the same act, afore the first day of this present parliament, shall be, and remain in the same degree and quality to be punished by authority of the same act, as if the same act had not been repealed: the repeal and adnullation of the same act by authority of this present parliament in any wise notwithstanding.*

VI. *Nevertheless the King's most royal majesty, most graciously considering that divers and many of his most loving and obedi-*

ent subjects now lately afore the beginning of this present parliament, have spoken, done, practised, procured, and attempted, as well by word, writing, printing, as by exterior acts, not only against the said unlawful marriage, solemnized between his Highness and the said lady *Anne*, and to the prejudice, slander, disturbance, and derogation thereof, but also to the peril, slander and disherison of the lady *Elizabeth* the King's daughter illegitimate born under the same marriage, and to the let, disturbance and interruption of the said lady *Elizabeth* to the title of the crown: and also to deprive the said lady *Anne*, late Queen, and the said lady *Elizabeth*, and every of them, of their dignity, title, and name of their royal estates, contrary to the tenors, purports, provisions, and ordinances, as well contained in the said act made in the last parliament, for the establishment of the King's succession, as in any other act made in the last parliament for punishment of treasons. Which words, doings, practices, procurements, and attempts of his said subjects, albeit they proceeded of no malice, but upon true and just grounds, for punishment of the said late lady *Anne*, according to her deserts, and for reformation of the said unlawful marriage, for the surety of the King's highness, and for the unity and wealth of his realm: yet nevertheless the King's said subjects might hereafter happen to be impeached, troubled, and vexed for such their words, doings, acts, procurements, and attempts, as well by reason of the said statute, made for the establishment of the King's succession, and now repealed by this act, as by occasion of other statutes heretofore made for punishment of treason and misprision of treason, to the great danger and perils of the lives, lands, and goods of the King's said subjects, which only for hearty good will, and faithful obedience that they bear to the King's majesty incurred into the said dangers and perils: the King's highness therefore of his most bountiful mercy and benignity is pleased and contented that it be enacted by authority of this present parliament, That all and singular his loving subjects, which have spoken, done, practised, committed or attempted, or procured to be done, or attempted directly or indirectly, by words, writings, prints, or any exterior act: any thing or things whatsoever it be, against the said marriage, solemnized between his Highness and the said late Queen *Anne*, or for the setting forth or preferment of the divorce or dissolution thereof: or against the said late Queen *Anne*, or the said lady *Elizabeth*, or to any of their slanders, perils, or disherisons, or have wished, willed, or desired by words or writings, or invented, imagined, practised or attempted any bodily harm to the said late Queen *Anne*, or lady *Elizabeth*, or to deprive the same late Queen *Anne*, or lady *Elizabeth*, or any of them, of the dignity, title or name of their royal estates, or have, spoken, done, or procured to be done, any other words, writings, printings, wishing, willing, thing or things, act or acts against the said late Queen *Anne*, or lady *Elizabeth*, which is or might be deemed or interpreted for treason, or misprision of treason by any

Some upon good will and meaning to the King that have spoken or written against Queen *Anne* or her daughter the lady *Elizabeth*.

They pardoned which spake or did any thing against the King's marriage, Queen *Anne* or lady *Elizabeth*.

construction upon any of the statutes of this realm heretofore made, shall be freely and clearly pardoned, discharged, and released by authority of this act, of all those and such treasons and misprisions of treasons above mentioned. And that none of his said loving subjects for any of the said treasons or misprisions of treason above mentioned and specified, shall hereafter at any time, by any manner of means be impeached, vexed, or troubled in their bodies, lives, lands, goods, or chattels, any thing in this act, or in any act or acts heretofore made for treasons or misprisions of treason, to the contrary thereof notwithstanding.

Queen Anne
Bolein and her
complices at-
tainted of high
treason, and
their lands
shall be forfeit
to the King.

VII. And be it further enacted by authority aforesaid, That the said late Queen Anne, George Bolein, late lord Rochford, Henry Norris esq; Francis Weston knight, William Brereton esq; and Mark Smeton, for their abominable and detestable treasons, by them and every of them most abominably and traiterously committed and done against your Majesty and the realm, shall be by authority of this present parliament convicted, and attainted of high treason, in such manner and form, and accordingly as they be, by the due course and order of your laws of this realm. And that the said late Queen Anne, George lord Rochford, Henry Norris, Francis Weston, William Brereton, and Mark Smeton, and every of them, shall lose and forfeit to your Highness and to your heirs, all such their manors, meases, lands, tenements, rents, reversions, remainders, uses, possessions, offices, rights, conditions, and all other hereditaments, of what names, natures, or qualities soever they be, which they or any of them, or any other to their uses, or to the use of any of them had, or ought to have had of any estate of inheritance in fee-simple or in tail, in use or possession, at the days of their several treasons committed, limited, and expressed in their indictment, or at any time after. Saving to every person and persons, and bodies politick, and to the heirs assigns and successors of every of them (other than to the said late Queen Anne, and the other traitors aforesaid, and the heirs, assigns, and successors of every of them, and all and every other person and persons claiming by them, or any of them, or to their uses, or to the uses of any of them, or to the use of any of their heirs) all such right, title, use, possession, interest, condition, fees, offices, rents, annuities, commons, and all other commodities, and hereditaments, whatsoever they or any of them might, should or ought to have had, if this act had never been had, ne made.

The right of
all others sa-
ved, but of the
offenders, &c.

VIII. And over this, most gracious sovereign Lord, for as much as it hath pleased your most royal Majesty, notwithstanding the great and intolerable perils and occasions, which your Highness hath suffered and sustained, as well by occasion of your first unlawful marriage, solemnized between your Highness and the lady Katharine, late princess dowager, as by occasion of the said unlawful marriage between your Highness and the said late Queen Anne, at the most humble petition and intercession of us
your

your nobles in this realm, for the ardent love and fervent affection which your Highneſs beareth to the conſervation of the peace, and unity of the ſame, and for the good and quiet government thereof, of your moſt excellent goodneſs to enter into marriage again, and have choſen and taken a right noble, virtuous, and excellent lady Queen *Jane* to your true and lawful wife, and have lawfully celebrated, and ſolemnized marriage with her, according to the laws of holy church: who for her convenient years, excellent beauty, and pureneſs of fleſh and blood, is apt, (God willing) to conceive iſſue by your Highneſs: which marriage is ſo pure and ſincere, without ſpot, doubt, or impediment, that the iſſue procreated under the ſame, when it ſhall pleaſe Almighty God to ſend it, cannot be lawfully, truly, nor juſtly interrupted or diſturbed of the right and title in the ſucceſſion of your crown: It may therefore now pleaſe your moſt gracious Majeſty, at the moſt humble petition and interceſſion of us your nobles and commons, aſſembled in this preſent parliament, as well for the clear extinguiſhment of all ambiguities, and doubts, as for a pure and perfect unity of us your moſt humble and obedient ſubjects, and of all our poſterities, That it may be enacted by your moſt gracious and royal Majeſty, by conſent of us the lords ſpiritual and temporal, and the commons in this preſent parliament aſſembled, and by authority of the ſame, in manner and form as hereafter in articles enſueth.

Queen Jane married to the King according to the laws of the church.

IX. Firſt, ſo far as much as the marriage heretofore ſolemnized between your Highneſs and the ſaid lady *Katharine*, late princeſs dowager deceased, which afore was lawful wife to your natural brother prince *Arthur*, and by him carnally known, as hath duly been proved by ſufficient witneſſes, at all times was, is, and ought to be deemed and determined, to be againſt the laws of Almighty God, and not diſpenſable by any human authority, and ſo hath been deemed and determined, as well by the whole clergy of this realm, in both convocations, and by both the univerſities thereof, as by the univerſities of *Bononie*, *Padua*, *Paris*, *Orleans*, *Tolowes*, *Aineu*, and divers other, and alſo by a great number of private writings of many right excellent well learned men: Be it therefore enacted by authority of this preſent parliament, according as it was ordained, and enacted in the ſaid act made in the laſt parliament for the eſtabliſhment of your ſucceſſion, That the ſaid marriage heretofore had, and ſolemnized between your Highneſs and the ſaid lady *Katharine*, which was before lawful wife to the ſaid prince *Arthur* your elder brother, and by him carnally known, as doth duly appear by ſufficient proof in a lawful proceſs had and made before the ſaid moſt reverend father in God, *Thomas*, by the ſufferance of God, archbiſhop of *Canterbury*, metropolitan and primate of all *England*, ſhall be, by authority of this preſent parliament, definitively, clearly, and abſolutely declared, deemed, and adjudged to be againſt the laws of Almighty God, and alſo accepted, reputed and taken of no value nor effect, but utterly void and

The marriage between the King and Queen Katharine void.

adnichiled: And that the ſeparation thereof made by the ſaid archbiſhop ſhall be good and effectual to all intents and purpoſes, any licence, diſpenſation, or any other act or acts going before, or enſuing the ſame, or to the contrary thereof in any wiſe notwithstanding. And that every ſuch licence, diſpenſation, act or acts, thing or things, had, made, done, or to be done to the contrary thereof, ſhall be to all intents void, and of none effect, and ſo ſhall be reputed, and taken by and amongſt us your true ſubjects and inhabitants, our heirs and ſucceſſors of and in your realm and dominions for ever. And that the iſſue born and procreated under the ſame unlawful marriage, made and ſolemnized between your Highneſs and the ſaid lady *Katharine*, ſhall be taken, deemed, and accepted, illegitimate to all intents and purpoſes, and ſhall be utterly forecloſed, excluded, and barred to claim, challenge, or demand any inheritance as lawful heir to your Highneſs by lineal deſcent.

The lady Mary illegitimate and not inheritable to the King.

The marriage between the King and Queen Anne was void, and the ſeparation and divorce between them lawful.

The lady Elizabeth illegitimate, and not inheritable to the King.

Marrying within degrees prohibited by God's law, and which be thoſe degrees.

28 H. 8. c. 16.

X. And alſo, for as much as the marriage ſolemnized between your Highneſs and the ſaid late Queen *Anne*, upon true and juſt cauſes, was, and is deemed, and adjudged by the ſaid moſt reverend father, to be of no value ne effect, and a divorce and ſeparation thereof had, and made by the due order and proceſs of the laws of the church of *England*, before the ſaid reverend father: Be it therefore enacted, by the authority of this preſent parliament, That the ſame marriage between your Highneſs and the ſaid late Queen *Anne*, ſhall be taken, reputed, deemed and adjudged to be of no force, ſtrength, virtue, nor effect: and that the ſeparation and divorce thereof had by the ſentence and judgment of the ſaid moſt reverend father, ſhall be good and effectual, and ſo hereafter ſhall be taken and reputed for ever by all your ſubjects their heirs and ſucceſſors. And that none appeal, repeal, revocation, or adnullation thereof, or any part of the ſame, ſhall hereafter be had, taken, allowed, or admitted in any behalf. And that all the iſſues and children born and procreated under the ſame marriage between your Highneſs and the ſaid late Queen *Anne*, ſhall be taken, reputed, and accepted to be illegitimate to all intents and purpoſes, and utterly forecloſed, excluded, and barred to claim, challenge, or demand any inheritance as lawful heir or heirs to your Highneſs by lineal deſcent, the ſaid former act made in the laſt parliament, for the eſtabliſhment of your ſucceſſion, or any thing therein contained, or any other thing or things to the contrary thereof in any wiſe notwithstanding.

XI. And furthermore, ſith many inconveniencies have fallen, as well within this realm as in others, by reaſon of marrying within the degrees of marriage, prohibited by God's laws, that is to ſay, the ſon to marry the mother, or the ſtep-mother carnally known by his father, the brother the ſiſter, the father his ſon's daughter, or his daughter's daughter: or the ſon to marry the daughter of his father procreate and born by his ſtepmother: or the ſon to marry his aunt, being his father's or mother's ſiſter;

fiſter : or to marry his uncle's wife carnally known by his uncle : or the father to marry his ſon's wife carnally known by his ſon : or the brother to marry his brother's wife carnally known by his brother : or any man married, and carnally knowing his wife, to marry his wife's daughter, or his wife's ſon's daughter, or his wife's daughter's daughter, or his wife's ſiſter.

XII. And furthermore, to dilate, and declare the meaning of theſe prohibitions, it is to be underſtood, that if it chance any man to know carnally any woman, that then all and ſingular perſons being in any degree of conſanguinity or affinity, as is above written, to any of the parties ſo carnally offending, ſhall be deemed and adjudged to be within the caſes and limits of the ſaid prohibitions of marriage. All which marriages, albeit they be plainly prohibited and deteſted by the laws of God, yet nevertheless, at ſome times they have proceeded under colours of diſpenſations by man's power, which is but uſurped, and of right ought not to be granted, admitted, nor allowed. For no man, of what eſtate, degree, or condition ſoever he be, hath power to diſpenſe with God's laws, as all the clergy of this realm in the ſaid convocations, and the moſt part of all the univerſities of Chriſtendom, and we alſo do affirm and think. No man can diſpenſe with the law of God.

XIII. Be it therefore enacted by authority aforeſaid, according as it is declared and contained in the ſaid act, made in the laſt parliament for the eſtabliſhment of your ſucceſſion, that no perſon, or perſons, ſubjects or reſiants, of this realm, or in any your dominions, of what eſtate, degree, or dignity ſoever they be, ſhall from henceforth marry within the degrees afore rehearſed, what pretence ſoever ſhall be made to the contrary thereof. No perſon ſhall marry within the degrees prohibited. And in caſe any perſon or perſons, of what eſtate, dignity, degree, or condition ſoever they be, that been heretofore married within this realm, or in any other the King's dominions, within any the degrees above rehearſed, and by any the archbiſhops, or miniſters of the church of *England*, be ſeparate from the bond of ſuch unlawful marriages : that then every ſuch ſeparation ſhall be good, lawful, firm and permanent for ever, and not by any power, authority or means, to be revoked or undone hereafter. And that the children proceeding or procreate under ſuch unlawful marriage, ſhall not be lawful nor legitimate : any foreign laws, licences, diſpenſations, or other thing or things to the contrary thereof notwithstanding. And that in caſe there be any perſon or perſons within this realm, or in any of the King's dominions, already married within any of the ſaid degrees above ſpecified, and not yet ſeparate from the bonds of ſuch unlawful marriage, that then every ſuch perſon, ſo unlawfully married, ſhall be ſeparate by the definitive ſentence, and judgment of the archbiſhops, biſhops, and other miniſters of the church of *England*, and in other your dominions, within the limits of their jurisdictions and authorities, and by none of other power or authority. And that all ſentences, and judgments, given and to be given by any archbiſhop, biſhop or other miniſter of the church of *England*, or in any other the

There ſhall be
no appeals to
the church of
Rome.

24 H. 8. c. 12.

King's dominions, within the limits of their jurisdictions, and authority, ſhall be definitively firm, good, effectual to all intents, and be obſerved, and obeyed, without ſuing any provocations, appeals, prohibitions, or other proceſſes, from or to the court of *Rome*, to the derogation thereof, or contrary to the act made ſince the beginning of the laſt parliament for reſtraint of ſuch provocations, appeals, prohibitions, and other proceſſes.

XIV. And alſo be it enacted by authority aforeſaid, That all the iſſue hereafter to be had and procreate between your Highneſs and your ſaid moſt dear and entirely beloved lawful wife, Queen *Jane*, ſhall be your lawful children and heirs, and be inheritable and inherit, according to the courſe of inheritance and laws of this realm, the imperial crown of the ſame, with all dignities, honours, pre-eminences, prerogatives, authorities, and jurisdictions to the ſame annexed or belonging, in as large and ample manner, as your Highneſs at this preſent time hath the ſame as King of this realm, the inheritance thereof to be and remain to your ſaid children and right heirs, in manner and form as hereafter ſhall be declared, that is to ſay :

The crown of
England en-
tailed to the
King and to
the heirs males
of his body be-
gotten, with
ſeveral re-
mainders over.

XV. Firſt, the ſaid imperial crown and other the premiſſes, ſhall be to your Maſteſty, and to your heirs of your body lawfully begotten : that is to ſay, to the firſt ſon of your body between your Highneſs and your ſaid lawful wife Queen *Jane* begotten, and to the heirs of the body of the ſame firſt ſon lawfully begotten. And for default of ſuch heirs, then to the ſecond ſon of your body, and of the body of the ſaid Queen *Jane* begotten, and the heirs of the body of the ſame ſecond ſon lawfully begotten, as aforeſaid, and ſo to every ſon of your body, and of the body of the ſaid Queen *Jane* begotten, and to the heirs of the body of every ſuch ſon begotten, according to the courſe of inheritance in that behalf.

XVI. And if it ſhall happen your ſaid moſt dear and entirely beloved wife Queen *Jane* to deceaſe without iſſue male of the body of your Highneſs to be begotten (which God defend) then the ſame imperial crown, and all other the premiſſes to be to your Maſteſty, as is aforeſaid, and to the ſon and heir male of your body lawfully begotten by any other lawful wife, and to the heirs of the body of the ſame ſon and heir male lawfully begotten. And for default of ſuch iſſue, then to your ſecond ſon of your body lawfully begotten, and to the heirs of the body of the ſame ſecond ſon lawfully begotten, and ſo from ſon and heir male, to ſon and heir male, and to the heirs of the ſeveral bodies of every ſuch ſon and heir male lawfully begotten, according to the courſe of inheritance, in like manner and form, as is above ſaid.

For default of
iſſue male of
the King's bo-
dy, the crown
ſhall deſcend
to the eldeſt

XVII. And for default of ſuch ſons of your body lawfully begotten, and of the heirs of the ſeveral bodies of every ſuch ſon lawfully begotten, that then the ſaid imperial crown, and other the premiſſes, ſhall be to the iſſue female between your Maſteſty and your ſaid moſt dear and entirely beloved wife Queen *Jane* begotten :

gotten: and for lack of ſuch iſſue, then to the heirs females of your body lawfully begotten by any other lawful wife: that is to ſay, firſt, to the eldeſt iſſue female, and to the heirs of her body lawfully begotten, and ſo from iſſue female to iſſue female, and to their heirs of their bodies one after another by courſe of inheritance, according to their ages, as the crown of England hath been accuſtomed and ought to ſucceed and go, in caſe where there is heir female inheritable to the ſame.

XVIII. And forasmuch as it ſtandeth at this preſent time in the only pleaſure and will of Almighty God, whether your Maſteſty ſhall have heirs begotten and procreated between your Highneſſe and your ſaid moſt dear and entirely beloved wife Queen Jane, or elſe any lawful heirs and iſſues hereafter of your own body begotten by any other lawful wife, and if ſuch heirs ſhould fail, as God defend, and no provision made in your life, who ſhould rule, and govern this realm for lack of ſuch heirs: That then this realm, after your tranſitory life, ſhall be deſtitute of a lawful governour: or elſe percaſe encumbered with ſuch a perſon, that would covet to aſpire to the ſame, whom the ſubjects of this realm ſhall not find in their hearts to love, dread, and obediently ſerve, as their ſovereign Lord. And if your Grace, afore it may be certainly known whether ye ſhall have heirs or no, ſhould ſuddenly name and declare any perſon or perſons to ſucceed after your deceaſe, and for lack of heirs of your body lawfully begotten, into the royal eſtate of the imperial crown of this realm: then it is to be doubted, that ſuch perſon that ſhould be ſo named, might happen to take great heart, and courage, and by preſumption fall to inobedience and rebellion, by occaſion of which premiſſes great diſſiſion and diſſention may be, and is very likely to ariſe, and ſpring in this realm, to the great peril and deſtruction of us your moſt humble and obedient ſubjects, and of all our poſterities, if remedy for the ſame ſhould not be provided. For reformation and remedy whereof, we your moſt bounden and loving ſubjects, moſt obediently knowledging, that your Maſteſty moſt victoriously, prudently, politickly, and indifferently hath maintained, defended, governed, and ruled this realm in good peace, reſt, quietneſſe and obedience, during all the time of your moſt gracious reign, which we moſt heartily deſire might continue for ever, putting all our whole truſt and confidence in your Highneſſe, and nothing doubting, but that your Maſteſty, if ye ſhould fail in heirs of your body lawfully begotten, (which God defend) for the hearty love and fervent affection that ye bear to this realm, and for avoiding all the occaſions of diſſiſion afore rehearſed, ſo earneſtly mindeth the wealth of the ſame, that ye can beſt and moſt prudently provide ſuch a governour for us and this your realm, as ſhall, and will ſucceed, and follow in the juſt, and right tread of all your proceedings, and maintain, keep, and defend the ſame, and all the laws, and ordinances eſtabliſhed in your moſt gracious time, for the wealth of this realm, which all we deſire, whereby we your ſaid moſt loving and obedient

The perils that might enſue to the realm, for want of knowledge of a lawful ſucceſſor to the crown.

If the King die without issue of his body, he may limit the crown to any by his letters patents, or his last will in writing.

A submission to the King's assignee.

dient subjects, and our heirs and successors, shall and may live, as near as may be, in as good peace, unity, and obedience after your decease, as we have lived in the time of your most gracious reign, Do therefore most humbly beseech your Highness, that it may be enacted, for avoiding of all ambiguities, doubts, divisions, and occasions in that behalf, by your most royal Majesty, by the assent of us the lords spiritual and temporal, and the commons in this your present parliament assembled, and by authority of the same, that your Highness shall have full, and plenary power, and authority to give, dispose, appoint, assign, declare, and limit by your letters patents under your great seal, or else by your last will made in writing, and assigned with your most gracious hand, at your only pleasure, from time to time, hereafter the imperial crown of this realm, and all other the premises thereunto belonging, to be, remain, succeed, and come after your decease, and for lack of lawful heirs of your body to be procreated and begotten as is afore limited by this act, to such person or persons in possession, and remainder, as shall please your Highness, and according to such estate, and after such manner, form, fashion, order and condition as shall be expressed, declared, named, and limited in your said letters patents, or by your said last will. And we your most humble and obedient subjects, do faithfully promise to your Majesty by one common assent, that after your decease, and for lack of heirs of your body lawfully begotten, as is afore rehearsed, we, our heirs and successors, shall accept, and take, love, dread, serve and all only obey such person and persons, males or females, as your Majesty shall give your said imperial crown unto, by authority of this act, and to none other, and wholly to stick to them, as true and faithful subjects ought to do, to their regal rulers, governours, and supreme heads.

XIX. And for sure corroboration thereof, be it further enacted by authority afore said, That such person and persons, to whom it shall please your Majesty to dispose, limit, and assign your said crown, and other the premises thereto appertaining, by your letters patents, or by your last will, as is afore said, shall have and enjoy the same after your decease, and for lack of heirs of your body lawfully begotten, according to such estate, and after such manner, form, fashion, order, and condition as shall be thereof expressed, mentioned, and contained in your said letters patents, or in your said last will, in as large and ample manner, as if such person, and persons had been your lawful heirs to the imperial crown of this realm, and as if the same crown of this realm had been given and limited unto them plainly and particularly by special names and sufficient terms, and words, by the full, and immediate authority of this your most high court of parliament.

XX. And it is further enacted by authority afore said, That if any of your heirs or children hereafter do usurp the one of them upon the other in the crown of this realm, or claim or challenge your said imperial crown in any other form, or degree of descent,

ſcent, or ſucceſſion than is afore limited by this act : Or if any perſon or perſons, to whom it ſhall pleaſe your Highneſs of your moſt excellent goodneſs by authority of this act to give and diſpoſe your ſaid crown and dignity of this realm, or the heirs of any of them, do at any time hereafter demand, challenge, or claim your ſaid crown of this realm, otherwiſe, or in any other courſe, form, degree or condition, than the ſame ſhall be given, diſpoſed and limited unto them by your Highneſs, by virtue and authority of this act. Or, if any ſuch perſon or perſons, to whom your Maſteſty ſhall hereafter give or diſpoſe your ſaid crown by authority of this act, or any of their heirs, do interrupt or let any of the heirs of your Maſteſty, that is, or ſhall be begotten, born, and procreated under your lawful, pure, ſincere and undoubted marriage, now had and ſolemnized between your Highneſs and your ſaid moſt dear and entirely beloved wiſe Queen *Jane*, or any other your lawful heirs hereafter to be begotten of your body by any other lawful marriage, peaceably and quietly to keep, have, and enjoy the ſaid imperial crown, and other the premiſſes, by courſe of inheritance, according to the limitation thereof, expreſſed and declared by this act : that then all and ſingular the offenders in any of the premiſſes, contrary to this act, and all their abettors, maintainers, fautors, counſellors, and aiders therein, ſhall be deemed and adjudged high traitors to the realm, and that every ſuch offence ſhall be accepted, reputed and taken to be high treason, and the offenders therein, their aiders, maintainers, fautors, counſellors, and abettors, and every of them, for every ſuch offence ſhall ſuffer ſuch judgment and pains of death, loſſes and forfeitures of lands, goods and privileges of ſanctuary, as in any caſes of high treason. And over that as well your ſaid heirs, and children, as every ſuch perſon and perſons, to whom your Highneſs ſhall limit your ſaid crown, in form as is aforeſaid, and every of their heirs for every ſuch offence above ſpecified, by them or any of them to be committed, ſhall loſe and forfeit as well all ſuch right, title, and intereſt, that they may claim or challenge in or to the crown of this realm, as heirs by deſcent, or by reaſon of any gift or act that ſhall be done by your Highneſs, for his or their advancement, by the authority of this act, or otherwiſe by any manner of means or pretence whatſoever it be.

A means to prevent uſurpation of the crown, and the penalty of the uſurpers.

XXI. And be it further enacted by authority aforeſaid, That if any perſon or perſons, of what eſtate, degree, dignity, or condition ſoever they be, at any time hereafter, by words, writing, im- printing, or by any exterior act or deed, maliciously or willingly procure or do, or cauſe to be procured or done, directly or indirectly, any thing or things to the peril of your moſt royal perſon, or to the peril of the perſon of any of your heirs or ſucceſſors, having the royal eſtate of the crown of this realm : Or maliciously or willingly give occaſion by words, writing, print, deed or act, whereby your Highneſs or any your ſaid heirs or ſucceſſors, having the royal eſtate of the crown of this realm,

It ſhall be high treason to write any of the offences hereafter ſpecified.

realm, might be disturbed or interrupted of the crown of this realm: Or by words, writing, print, deed or act, procure or do, or cause to be procured or done, any thing or things, to, or for the interruption, repeal or adnullation of this act, or of any thing therein contained, or of any thing that shall be done by your Highness in the limitation and disposition of your crown by the authority of the same. Or by words, writing, print, deed, or act, procure, or cause to be procured or done, any thing or things to the prejudice, slander, disturbance, or derogation of the said lawful matrimony, solemnized between your Majesty and the said Queen *Jane*, or any other your lawful wife, or wives, hereafter by your Highness to be taken: Or to the peril, slander, or disherison of any of the issues, and heirs of your Highness, being limited by this act to inherit, and to be inheritable to the crown of this realm, in such form as is aforesaid: Or to the interruption or disherison of any such person or persons, to whom your Highness shall assign and dispose your said imperial crown by authority of this act, as is afore remembered; whereby any such issues or heirs of your Highness, or such other person or persons might be destroyed, disturbed, or interrupted in fame, body, or title of the inheritance to the crown of this realm, as to them is limited in this act, in form above rehearsed, or as to them shall be limited and assigned by your Highness, by virtue and authority of this act: Or if any person or persons, by words, writing, imprinting, or any other exterior act, directly or indirectly accept, or take, judge, or believe any of the marriages had, and solemnized between the King's highness and the said lady *Katharine*, or between the King's highness and the said late Queen *Anne*, to be good, lawful, or of any effect: Or by words, writing, printing, or any other exterior act, directly or indirectly, slander, interrupt, impeach, gainsay, or impugn the lawful judgments and sentences of the said most reverend father in God, *Thomas* archbishop of *Canterbury*, and primate of all *England*, for and concerning the divorces and separations of the said unlawful marriages, or any of them. Or by words, writing, print, or any other exterior act, directly or indirectly take, accept, name, or call by any pretence any of the children born and procreated under any of the said unlawful marriages, to be legitimate and lawful children of your Majesty. Or if any person or persons craftily imagine, invent, or attempt by colour of any pretence, to deprive the King's highness, the Queen, or the heirs of their bodies begotten, or any other the heirs of the King's body lawfully begotten, or any person or persons, to whom the King's highness shall dispose, give, and limit the crown of this realm, by authority of this act, or any of their titles, stiles, names, degrees, or royal estates or regal power. Or if any person or persons at any time hereafter, being required or commanded by the King's highness, or by such person or persons, as shall be authorized by his Grace, or his lawful heirs, to make or take an oath, to answer to such questions and interrogatories as shall

Treason to believe either of the marriages between the King and the lady *Katharine* or *Anne* to be good. Treason to call lady *Mary* or lady *Elizabeth* legitimate.

Attempting to deprive the King his heirs or assignes of the crown.

Refusing to take an oath to answer interrogatories.

be objected to them, upon any clause, article, sentence or word contained in this act, do contemptuously or utterly refuse to make or take such oath, or without frustratory delay do not make, or take the same oath: or after the making or taking such oath, do contemptuously refuse directly to answer to such questions and interrogatories, as shall be objected concerning the same or any part thereof: that then every such person and persons, of what estate, degree or condition soever he or they be, and their aiders, counsellors, maintainers and abettors, and every of them, for every such offence afore declared, shall be adjudged high traitors. And that every such offence afore specified, shall be adjudged high treason, and the offenders therein, and their aiders, counsellors, maintainers, and abettors, and every of them being lawfully convict of any such offence by presentment, verdict, confession, or process, according to the custom and laws of this realm, shall suffer pains of death, as in cases of high treason. And that also every such offender, being convict as is aforesaid, shall lose and forfeit to your Highness, and to your heirs or successors Kings or regal rulers of this realm, all such manors, lands, tenements, rents, annuities, and hereditaments, which they had in possession as owners, or were sole seised of, by or in any right, title, or means, or any other person or persons had to their use of any estate of inheritance, at the day of such treasons and offences by them committed and done. And shall also lose and forfeit to your Highness and your said heirs, as well all manner such estates of freehold, and interest for years of lands, and rents, as all other goods, chattels and debts, which they had at the time of their conviction or attainder, of any such offence: Saving alway to every such person and persons, and bodies polittick, to their heirs, assignes, and successors, and to the heirs and successors of every of them, (other than such person as shall be so convict or attainted, and their heirs and successors, and all other claiming to their uses) all such right, title, use, interest, possession, condition, rents, fees, offices, annuities, and commons, which they, or any of them, shall have in or upon any such manors, lands, tenements, rents, annuities, or hereditaments, that so shall happen to be lost and forfeit by reason of any conviction or attainder, for any the treasons and offences above rehearsed, at any time before the said treasons and offences committed.

The offender shall forfeit his lands, leases and goods.

Other persons rights saved.

XXII. Be it also enacted by authority aforesaid, That no person or persons, offending in any the treasons contained and limited by this act, or in any other treasons, shall in any wise have and enjoy the privilege, or immunity of any manner sanctuary within this realm, or elsewhere within any the King's dominions: but shall utterly lose and be excluded of the same, any use, grant, custom, prescription, confirmation, or any other thing or things to the contrary hereof in any wise notwithstanding.

None that committeth treason shall have the benefit of sanctuary.

XXIII. And

If the King die, his heir within age, in whole custody the ſame heir ſhall be.

XXIII. And be it alſo enacted by authority aforeſaid, That if your Maſteſty ſhall happen to deceaſe before any ſuch your iſſue and heir male of your body, which ſhould inherit the crown of this realm, ſhall be of his age of xviii. years, or before that ſuch your iſſue and heir female, which ſhould inherit the crown of this realm, ſhall be married, or be of the age of ſixteen years, (which Almighty God defend) that then the ſaid iſſue and heir male to the crown, ſo being within the age of eighteen years, or your ſaid iſſue and heir female to the crown, ſo being unmarried or within the ſaid age of ſixteen years, ſhall be and remain, until ſuch time as ſuch iſſues and heirs ſhall come to their ſaid ſeveral ages afore limited, at and in the governance of their natural mother, and of ſuch other your counſellors, and nobles of your realm, as your Highneſs ſhall limit and appoint by your laſt will made in writing, ſigned with your moſt gracious hand, if it ſhall be thought by your Highneſs moſt convenient ſo to be: or elſe the ſaid iſſues and heirs ſhall be at, and in the governance of ſuch of your counſellors and nobles of your realm, as your Maſteſty ſhall name and appoint by your laſt will made in writing, and ſigned with your moſt gracious hand, as is aforeſaid. And if any perſon or perſons, by writing, printing, or exterior deed, or act, directly or indirectly, procure or do, or cauſe to be procured or done any thing or things, to the let or diſturbance of the ſame: that then every ſuch offence ſhall be high treaſon, and the offenders being thereof convicted, ſhall ſuffer ſuch pains of death and loſs of inheritance, privileges of ſanctuaries, freeholds, intereſts for years, goods, chattels, and debts, in ſuch manner and form as is above ſpecified in caſes of treaſon aforemen- tioned.

XXIV. And for the more ſure eſtabliſhment of the ſucceſſion of your moſt royal Maſteſty, according to the tenor and form of this act, be it further enacted by the authority aforeſaid, That as well all the nobles of your realm ſpiritual and temporal, as all other your ſubjects now living and being, or that hereafter ſhall be at their full ages, by the commandment of your Maſteſty, or of your heirs, or ſucceſſors, at all times hereafter from time to time, when it ſhall pleaſe your Highneſs, or your heirs or ſucceſſors to appoint, ſhall make a corporal oath in the preſence of your Highneſs, or your heirs or ſucceſſors, or before ſuch other as your Maſteſty or your heirs or ſucceſſors will aſſign for the ſame, for the keeping, obſerving, defending, avowing, and maintaining of this act, and of all things that ſhall be done by your Highneſs by authority thereof, according to the tenor of an oath hereafter enſuing, that is to ſay, Ye ſhall ſwear to bear faith, truth and obedience all only to the King's maſteſty, ſupreme head in earth under God, of the church of *England*, during his life, and to his heirs of his body of his moſt dear and entirely beloved lawful wife *Queen Jane*, begotten and to be begotten and procreated: and further to the heirs of our ſaid ſovereign Lord, according to the limitation in the ſtatute made

All the King's ſubjects ſhall take an oath for the performance of this act.

The form of the oath.

made for ſurety of his ſucceſſion in the crown of this realm, in the parliament begun and holden at *Westminster* on the eighth day of *June*, in the xxviii. year of the King's moſt gracious reign. And alſo for lack of ſuch heirs, to ſuch perſon and perſons as the King's highneſs ſhall limit and appoint to ſucceed to the crown, by virtue and authority of the ſame act, and not to any other within this realm, nor foreign authority, power, or potentate. And in caſe any other oath be made, or hath been made by you to any perſon or perſons : that then ye to repute the ſame as vain and adnichilate. And that to your cunning, wit, and uttermoſt of your power without guile, fraud, or other undue manner, ye ſhall obſerve, keep, maintain, and defend the ſaid act of ſucceſſion made in the ſaid parliament, begun and holden at *Westminster* in the ſaid viii. day of *June*, in the ſaid xxviii. year of the King's moſt royal reign, and all the whole effects, and contents thereof, and all things that ſhall be done by the King's highneſs by authority of the ſame, and all other acts and ſtatutes made in confirmation, or for execution of the ſame, or of any thing therein contained : and this ye ſhall do againſt all manner of perſons, of what eſtate, dignity, degree, or condition ſoever they be : and in no wiſe do or attempt, nor to your power ſuffer to be done, or attempted directly, or indirectly, any thing or things, privily or appertly, to the let, hindrance, damage, or derogation thereof, or of any part of the the ſame, or of any thing or things that ſhall be done by the King's highneſs, by virtue or authority of the ſaid act, by any manner of means, or for any manner of pretence, ſo help you God, all ſaints, and the holy evangelists.

A diſpenſation of any former oath, and the ſame ſhall be reputed as void.

XXV. And it is alſo enacted by authority aforeſaid, That all manner your ſubjects, as well ſpiritual as temporal, ſuing livery, or *ouſtre le maine*, out of the hands of your Highneſs, or of your heirs or ſucceſſors, or doing any fealty to your Highneſs, or your heirs or ſucceſſors, by reaſon of the tenure of their lands, ſhall ſwear the ſaid corporal oath abovementioned : and that they, nor any of them, ſhall hereafter have any liveries, *ouſtre le maine*, or reſtitution out of your hands, nor out of the hands of your heirs or ſucceſſors, till they ſhall have made the ſaid corporal oath, in form above rehearſed. And if any perſon or perſons, being commanded by authority of this act, to make the ſaid oath afore limited, obſtinately or wilfully reſuſe that to do, or will proteſt and ſay, when they ſhall be examined upon any interrogatories, that ſhall be objected to them, for or concerning this act, or any thing therein contained, that they be not bound to declare their thought and conſcience, and ſtiſſly thereon abide : that then every ſuch perſon ſo doing, for every ſuch offence ſhall be taken and accepted for offender in high treaſon.

What ſort of perſons ſhall take this oath.

The penalty of reſuſers to take the oath,

XXVI. And that every ſuch reſuſal ſhall be deemed and adjudged high treaſon, and the offender therein, being as afore is limited, lawfully convicted or attainted thereof by the laws of this realm, ſhall ſuffer ſuch pains of death, loſſes, and forfeitures, and alſo

Honours, titles, ſiles or lands given by the King's

loſe

letters pa-
tents, or laſt
will to ſome
of his kin.

loſe privileges of ſanctuaries, in like manner and form as is above mentioned, for the treaſons afore limited by this act.

XXVII. And be it further enacted by authority of this preſent parliament that if it ſhall pleaſe the King's majeſty at any time hereafter, by his letters patents under his great ſeal, or by his laſt will made in writing, and ſigned with his moſt gracious hand, to advance any perſon or perſons of his moſt royal blood to any title, ſtile, or name, of any eſtate, dignity, or honour, whatſoever it be, and to give to them or to any of them, any caſtles, honours, manors, lands, tenements, liberties, franchiſes, or other hereditaments, in fee-ſimple, fee-tail, or for term of their lives, or the life of any of them: that then all and every ſuch letters patents, and laſt will of his Highneſs, ſo to be made to any ſuch perſon or perſons of his blood, ſhall be good and effectual to them, and every of them, according to the tenor, purpoſes, and effects of every ſuch letters patents and laſt will. And that the ſaid perſon and perſons, and every of them, ſhall have and enjoy as well all ſuch titles, ſtiles, and names of honour, dignity, and eſtate, which ſhall be contained and expreſſed in any ſuch letters patents or laſt will of the King's highneſs, as ſuch caſtles, honours, manors, lands, tenements, liberties, franchiſes, and all other hereditaments, which ſhall be ſpecified, and mentioned in every ſuch letters patents, or laſt will, in ſuch manner, form, faſhion, and condition, and according to ſuch eſtate, or eſtates in the law, as ſhall be expreſſed and limited in every ſuch letters patents, or laſt will, in as large and ample manner to all intents and purpoſes, as if the titles, ſtiles, and name of honour, dignity and eſtate, and the caſtles, honours, manors, lands, tenements, liberties, franchiſes, and other hereditaments, which ſhall be comprized in any ſuch letters patents, or laſt will to be made, were already given by good and ſufficient letters patents to ſuch perſon or perſons of the King's blood by their ſpecial names and ſurnames, and ratified and confirmed by authority of this preſent parliament: Or as if the names of ſuch perſon or perſons, ſo being of the King's blood, and ſuch titles, ſtiles, names, caſtles, honours, manors, lands, tenements, liberties, franchiſes or other hereditaments, had been ſpecially named, and expreſſed in this act, and given to ſuch perſon or perſons of the King's blood by their proper names and ſurnames, by ſufficient words, terms, claules and ſentences, immediately by authority of this preſent parliament. Saving to all and every perſon and perſons and bodies politick, and to their heirs, aſſignes and ſucceſſors other than to the King's highneſs, his heirs or ſucceſſors, all ſuch right, title, intereſt, poſſeſſion, rents, annuities, fees, offices, commons, rights, intereſts, petitions, conditions, and all other hereditaments, which they or any of them may or might claim, of, in, or to any the ſaid titles, ſtiles, names, caſtles, honours, manors, lands, tenements, liberties, franchiſes, and other hereditaments contained or mentioned

in

The rights
and eſtates
of all others
ſaved.

n any such letters patents, or last will, in as large and ample manner as if this act had never been had nor made.

XXVIII. And be it finally enacted by authority aforesaid, That his present act, and every clause, article, and sentence comprised in the same, shall be taken and accepted according to the plain words and sentences therein contained, and shall not be interpreted nor expounded by colour of any pretence or cause, or by any subtil arguments, inventions or reasons to the hindrance, disturbance or derogation of this act, or any part thereof: any thing or things, act or acts of parliament heretofore made, or hereafter to be had, done or made to the contrary hereof notwithstanding. And that every act, statute, law, provision, thing and things heretofore had or made, or hereafter to be had, done or made contrary to the effect of this statute, shall be void, and of no value nor force.

This act shall be construed according to the plain words thereof.

Altered by
35 H. 8. c. 1.
Repealed,
1 M. sess. 2. c. 1.

C A P. VIII.

An act for continuance of the statutes of 21 H. 8. c. 10, 12. 1 El. c. 18. 23 H. 8. c. 17. and 24 H. 8. c. 9. against the carriage of bras, latens and copper, out of this realm; and for making cables and ropes; for the winding of wool, and against killing of weanlings under the age of two years.---*To endure to the last day of the next parliament.*

C A P. IX.

An act for continuance of the statutes of 23 H. 8. c. 2, 3. 1 El. c. 18. 25 H. 8. c. 9. and 24 H. 8. c. 4. of perjury, for making of jayles for pewterers, and for sowing of flax and hemp.---*To endure to the last day of the next parliament.*

C A P. X.

If any person shall extol the authority of the bishop of Rome, he shall incur the penalty of *præmunire* provided Anno 16 R. 2. c. 5. Every ecclesiastical and lay officer shall be sworn to renounce the said bishop and his authority, and to resist it to his power, and to repute any oath taken in maintenance of the said bishop or his authority, to be void; and the refusing of the said oath, being tendred, shall be adjudged high treason.

REP. 1 & 2 Ph.
& M. c. 8.
See 13 El. c. 2.

C A P. XI.

For the restitution of the first-fruits in time of vacation to the next incumbent.

Forasmuch as in the statute of the payment unto the King's majesty, his heirs and successors, of the first-fruits of spiritual promotions, offices, benefices and dignities within this realm, and other the King's dominions, express mention and declaration is not had ne made, from what time the year shall be accounted, in which the first-fruits shall be due and payable to his Highness, that is to wit, whether immediately from the death, resignation or deprivation of every incumbent, or from the time of admission or new taking of possession in every such promotion.

The reasons for making this act.
1 Roll. 462, 469.
26 H. 8. c. 3.

First-fruits taken during the vacation of a benefice, shall be restored to the next incumbent, whose charge for first-fruits shall begin from the first vacation.

The ordinaries delay to institute clerks for their private gain.

The next incumbent's charge to the King shall begin from the first vacation of the benefice. The fruits taken during the vacation of a benefice, shall be restored to the next incumbent. See 1 El. c. 4. f. 24. Co-pl.f. 368.b.

The forfeiture of the ordinary which receiveth the fruits of a benefice during the vacation, and doth not restore them to the next incumbent.

II. And also by reason that in the same statute it is not declared who shall have the fruits, tithes and other profits of the said benefices, offices, promotions and dignities spiritual, during the time of vacation thereof, divers of the archbishops and bishops of this realm have; not only when the time of perceiving and taking of tithes (that is to say, wool, lamb, corn and hay, and tithes usually paid at the holy time of Easter) hath approached, deferred the collation of such benefices as have been of their own patronage, but also have, upon presentations of clerks made unto them by the just patrons, protracted and deferred to institute, induct and admit the same clerks, to the intent that they might have and perceive to their own use the same tithes growing during the vacation; (2) so that through such delays (over and above the first-fruits, which be justly due to the King's highness) they have been constrained also to lose all or the most part of one year's profits of their benefices and promotions, and to serve the cure at their and their friends proper costs and charges, or utterly to forsake and give over their benefices and promotions, to their great loss and hindrance:

III. For reformation whereof, be it ordained and enacted by the King our sovereign lord, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That the said year, in which the first-fruits shall be paid to the King's grace, shall begin and be accounted immediately after the avoidance or vacation of any such benefice or promotions spiritual afore rehearsed; (2) and that the tithes, fruits, oblations, obventions, emoluments, commodities, advantages, rents and all other whatsoever revenues, casualties or profits, certain and uncertain, offering or belonging to any archdeaconry, deanry, prebend, parsonage, vicarage, hospital, wardenship, provostship, or other spiritual promotion, benefice, dignity or office (chauntries only except) within this realm, or other the King's dominions, growing, rising, or coming, during the time of vacation of the same promotion spiritual, shall belong and appertain to such person as shall be thereunto next presented, promoted, instituted, inducted or admitted, and to his executors, towards the payment of the first-fruits to the King's highness, his heirs and successors; any usage, custom, liberty, privilege or prescription to the contrary had, used or being, in any wise notwithstanding.

IV. And it is also enacted by the authority aforesaid, That if any archbishop, bishop, archdeacon, ordinary, or any other person or persons to their uses and behoof, at any time heretofore sith the first day of May last past, have perceived, received or taken, or at any time hereafter do perceive, receive or take the fruits, tithes, obventions, oblations, emoluments, commodities, revenues, rents, advantages, profits or casualties, coming, growing or belonging, or which hereafter shall come, grow, appertain, or belong to any archdeaconry, deanry, prebend, parsonage, vicarage, hospital, wardenship, provostship or other spiritual promotion, benefice, dignity or office (chauntries only

only excepted) within this realm or other the King's dominions, during the vacation of ſuch archdeaconry, deanry, prebend, parſonage, vicarage, hoſpital, wardſhip, provoſtſhip, or other ſpiritual promotion, benefice, dignity or office (chauntries only excepted) and the ſame, upon reaſonable requeſt from henceforth to be made, doth not render, reſtore, ſatisfy, content and pay to the next incumbent, being lawfully inſtituted, inducted, or admitted to ſuch archdeaconry, deanry, prebend, parſonage or vicarage, or other promotion, benefice, dignity or office ſpiritual, except before excepted, or do let or interrupt the ſaid incumbent to have the ſame; that then every archbiſhop, biſhop, archdeacon, ordinary or other perſon ſo doing, ſhall forfeit and loſe the treble value of ſo much as he ſhall then have received of the fruits of every prebend, parſonage, vicarage, hoſpital, wardſhip, provoſtſhip or other ſpiritual promotion, whereof he ſo ſhall perceive, receive or detain, let or interrupt the incumbent to perceive, receive and have the fruits, tithes, obventions, oblations, emoluments, commodities, revenues, rents, advantages, profits or casualties; (2) the moiety of which forfeiture ſhall be to the King our ſovereign lord, and the other moiety thereof to the incumbent of the ſame prebend, parſonage or vicarage, or other ſpiritual promotion, to be recovered in any of the King's courts, by action, bill, plaint, information or otherwiſe, in which action or ſuit the defendant ſhall not be admitted to wage his law, nor any proteccion or eſſoirt ſhall be unto the defendant allowed.

V. Provided alway, That it ſhall be lawful to every archbiſhop, biſhop, archdeacon, and ordinary, their officers and miniſters, to retain in his or their cuſtody ſo much of the tithes, fruits, obventions, oblations, emoluments, commodities, advantages, rents, revenues, casualties and profits, as ſhall amount to pay unto ſuch perſon or perſons, as hath or ſhall ſerve or keep the cure of ſuch archdeaconry, deanry, prebend, parſonage or vicarage, or other ſpiritual promotion; during the vacation, his or their reaſonable ſtipend or ſalary; (2) and alſo for the collection, gathering and levying of ſuch tithes, fruits, emoluments; rents and other profits riſing and growing during the vacation aforeſaid; any thing in this act contained to the contrary in any wiſe notwithstanding.

What part of the fruits of a benefice the ordinary may retain in his hands, and for what cauſes.

VI. Provided alſo, and be it further enacted by the authority aforeſaid, That in caſe any of the incumbents aforeſaid happen to die, and before his death hath cauſed any of his glebe lands to be manured and ſown at his proper coſts and charges with any corn or grain; that then in that caſe, all and every of the ſame incumbents may make and declare their teſtaments of all the profits of the corn growing upon the ſaid glebe lands ſo manured and ſown; any thing contained in this preſent act in any wiſe notwithstanding.

Incumbents may declare their wills of any corn ſown by them upon their glebe lands.

VII. And where alſo before this time divers and many perſons, vicars and other ſpiritual perſons, being ſeiſed for term of their lives, of and in the ſaid ſpiritual promotions aforenamed, as well for great ſums of money to them beforehand paid, as for other cauſes and con-

considerations, have let in ferm for term of years, by sufficient writings, their said parsonages, vicarages and other spiritual promotions, or part thereof, unto divers and many of the King's subjects, and after such leases by them so made, the lessors thereof have oftentimes used to resign their said benefices or spiritual promotions so demised and letten in ferm; by reason of which resignation and other acts of the said lessors, the said benefices and other spiritual promotions have been void, and the title and interests of the said lessees hath been thereby annihilate, and of none effect in the law, contrary to right and good conscience: (2) for reformation whereof, and for a quietness the better hereafter to be had and continued between the King's subjects, be it enacted by authority of this present parliament, That from the foresaid first day of May last past, no manner of such lease, by sufficient writing heretofore made, nor hereafter to be made, by any spiritual person within this realm of England, Wales, or the marches of the same, to any lay person, of any parsonage, vicarage or other spiritual promotion aforesaid, within this realm, upon which lease the rent and services reserved, with other the yearly charges of the lease, as in serving the cure and otherwise, shall amount within forty shillings by the year of as much as the said parsonage, vicarage, or other spiritual promotion aforesaid, so letten, is rated and valued at upon the King's books, for paying the first-fruits, shall be adjudged void, annihilate or determined, by reason of any such resignation, or other avoidance of the said benefice or spiritual promotion so letten, by the only act of the said lessor; (3) but that every such lessee or grantee of any such benefices or spiritual promotions aforesaid, their executors or assigns, shall have and may enjoy their terms and interests of and in the same, for the term of six years, to be accounted next and immediately after the said avoidance, if the said lessor do so long live, and the lease so by him before made do so long continue and endure; (4) and that after such avoidance, the successor or successors of every such lessor shall and may distrain for the rent and services so reserved, and have their actions of debt and all other advantages by way of action, entry or otherwise, against the said lessee, his executors or assigns, for recovery of the said rent and covenants upon the said lease reserved, as the lessor thereof might have had if no such avoidance had been had.

VIII. And further be it enacted by the authority aforesaid, That if hereafter it happen any such lessor to decease and die before the end of the term by him so made, and that there be one year at least to come of the said term, that then it shall be lawful to the lessee thereof, his executors or assigns, to hold and enjoy their said lease to the end of the same year, wherein he is so entered at the time of his said lessor's death, if his said lease do so long continue, bearing and paying unto the successor of every such lessor, all such rent and services, as for the remnant of the said year shall upon every such lease be due; for the recovery whereof the said successor shall and may have all such

If a spiritual person do demise his benefice for years, and after doth resign or die, how long the lessee may enjoy it. Altered by s & a Ph. & M. c. 17.

such ways and advantages as before is limited and given to the successor, where his predecessor maketh such lease, and resigneth.

IX. Provided alway, That every successor, after the death of his predecessor, may and shall have, upon one month's warning after the time of his induction, the mansion-house of every such parsonage, vicarage, or other spiritual promotion aforesaid, with the glebe belonging to the same, not being sown at the time of his said predecessor's death, for maintenance of his household, deducting therefore in his rent, as heretofore hath been borne for the same, or as it is reasonably worth; any thing in this act contained to the contrary notwithstanding.

The successor shall have the parsonage-house, and the glebe not sown.

X. Provided alway, That if the fruits of the vacation of the said spiritual promotions be not sufficient to pay the curate's stipend and wages for serving the cure the vacation time, that then the same to be borne and paid by the next incumbent within fourteen days next after that he hath the possession of any of the said promotions spiritual.

Provision for the curate who serves during the vacation.

C A P. XII.

The limits of the King's palace at *Westminster* to be from *Charing-Cross* to *Westminster-Hall*, which shall have such privileges as the King's ancient palaces have.

C A P. XIII.

The bill for non-residence of spiritual men and their benefices.

WHEREAS in the parliament begun at London the third day of November in the twenty-first year of the reign of our sovereign lord King Henry the Eighth, and from thence adjourned and prorogued to the palace of Westminster the seventeenth day of December then next ensuing, amongst other good acts and ordinances, then and there by the authority of the said parliament, it was established, ordained and enacted, That as well every spiritual person, then being promoted to any archdeaconry, deanry or dignity in any monastery or cathedral church, or other church conventual or collegial, or being beneficed with any parsonage or vicarage, as all and every spiritual person and persons, which should after the feast of St. Michael the archangel, which was in the foresaid twenty-first year of the reign of our sovereign lord King Henry the Eighth, be promoted to any of the said dignities or benefices with any parsonage or vicarage, should from the said feast of St. Michael the archangel be personally resident and abiding at and upon his said dignity, prebend or benefice, or at one of them at the least; (2) and in case any such spiritual person, at any time after the said feast, kept not residence at one of his said dignities, prebend or benefices, (as is aforesaid) but absent himself wilfully by the space of one month together, or by the space of two months to be accounted at several times in any one year, and make his residence and abiding in any other places by such time, that then he shall forfeit for every such default x. l. sterling, as in the same act more plainly doth appear; (3) in which act, among other provisions contained and specified in the same, it was provided, That the said act of non-residence should not in any wise extend ne be prejudicial to any scholar or scholars, being conversant and abiding for study, without fraud or

A recital of 21 H. 8. c. 13. s. 28. and of the practices made use of to evade the meaning of the same.

covin, at any university within this realm or without, as by the same provision doth also appear more at large; (4) sithence the making of which good act and statute, divers and many persons being beneficed with cure of souls (as is aforesaid) and being not apt to study by reason of their age, or otherwise, ne never intending, before the making of the said act, to travel in study within any of the said universities for the increase of learning, but rather minding and intending their own ease, singular lucre and pleasure, by the same provision colourably to defraud the same good statute and ordinance, do daily and commonly resort and repair to the said universities of Oxford and Cambridge, and to either of them, where they, under the said pretence and colour of study, do continue and abide, living dissolutely, nothing profiting themselves by study at all in learning, but consume the time in idleness and in other pastimes, and insolent pleasures, giving occasion and evil example thereby to other young men and students within the said universities, little or nothing regarding their cure and charge of souls, contrary to the minds and intent of the makers of the foresaid good statute and ordinance; (5) and also divers and many old beneficed men have and do continually remain there, never exercising nor practising their learning to the example of virtue and maintenance of the common weal, in discharge of their conscience, according to their duty, having nevertheless and occupying such rooms and commodities, as were instituted and ordained for the maintenance and relief of poor scholars, to the great hindrance and detriment of the same:

What spiritual persons may be discharged from residence upon their benefices, and for what cause.
21 H. 8. c. 13.

II. Be it therefore enacted by the King our sovereign lord, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, That all and singular spiritual person and persons, which now be, or hereafter shall be, to any benefice or benefices promoted, as is aforesaid, being above the age of xl. years, (the chancellor, vice-chancellor, commissary of the said universities, or any of them, wardens, deans, provosts, presidents, rectors, masters, principals and other head rulers of colleges, halls and other houses or places corporate within the said universities, or any of them, doctors of the chair, readers of divinity in the common schools of divinity in any of the said universities, only excepted) shall be resident and abiding at and upon one of their said benefices, according to the intent and true meaning of the said former act, upon such pain and penalties as be contained in the said former act made and appointed for such beneficed persons for their non-residence. (2) And that none of the said beneficed persons being above the age aforesaid, except before except, shall from henceforth be excused of their non-residence upon the said benefices, for that they be students or resident within the said universities, or any of them; any proviso, or any other clause or sentence specified or contained in the said former act of non-residence, or any other thing or things, to the contrary hereof in any wise notwithstanding.

III. And over this be it enacted by the authority aforesaid, That all and singular such beneficed persons, being under the age of xl. years, resident and abiding within the said universities,

or any of them, ſhall not enjoy the privilege and liberty of non-
reſidence, contained in the proviſo of the ſaid former act, made
for the ſcholars and ſtudents of the ſaid univerſities, or any of
them, unleſs he or they be preſent at the ordinary lecture and
lectures, as well at home in their houſes, as in the common
ſchool or ſchools, and in their proper perſons keep ſophiſms,
problems, diſputations and other exerciſes of learning, and be
opponent and reſpondent in the ſame, according to the ordi-
nances and ſtatutes of either of the ſaid univerſities, where he
or they ſhall be ſo abiding or reſiant; any thing contained in
the ſaid proviſo or former act to the contrary notwithstanding.

IV. Provided alway, That this act ſhall begin to take effect
at the feaſt of St. *Michael* the archangel next coming, and not
before.

V. Provided alway, That this act, nor any thing therein
contained, ſhall extend to any perſon or perſons which now is,
or hereafter ſhall be readers of any publick or common lecture in
divinity, law civil, phyſick, philoſophy, humanity, or of any of the
liberal ſciences, or publick or common interpreters or teachers
of the *Hebrew* tongue, *Chaldee* or *Greek*, in whatſoever college
or place of any of the ſaid univerſities the ſaid perſons for the
time being ſhall read the ſaid common or publick lectures;
nor yet to any perſon or perſons after or above the age of xl.
years, which ſhall reſort to any of the ſaid univerſities to proceed
doctors in divinity, law civil or phyſick, for the time of their
ſaid proceedings, and executing of ſuch ſermons, diſputations
or lectures, which they be bound by the ſtatutes of the univer-
ſities there to do for the ſaid degrees ſo obtained.

Proviſo for
readers of lec-
tures, &c. in
the univerſi-
ties, and for
thoſe that pro-
ceed doctors
in divinity,
law or phy-
ſick.

C A P. XIV.

For prices of wines.

BE it enacted by authority of this preſent parliament, That
no perſon or perſons ſhall ſell any *Gaſcoign*, *Guyen* or *French*
wines, above viij. d. the gallon, that is to ſay, a peny the pint,
two-pence the quart, four-pence the pottle, and eight-pence the
gallon, upon pain of forfeiture for every pint to be ſold above the
ſaid price, iv. d. and for every quart ſold above the ſaid price,
viij. d. and for every pottle ſo ſold above the ſaid price, xij. d.
and for every gallon ſo ſold above the ſaid price afore limited,
ij. s. (2) And that no malmefeys, romneys, ſacks nor other
ſweet wines ſhall be ſold by retail above xij. d. the gallon, vi. d.
the pottle, iij. d. the quart, i. d. the pint, upon pain to loſe
and forfeit iij. s. iv. d. for every gallon, xx. d. for every pottle,
xij. d. for every quart, and vi. d. for every pint that ſhall be ſold
contrary to this act.

None ſhall ſell
Gaſcoign or
Guyen wine
above viij. d.
the gallon.
7 Ed. 6. c. 5.
ſ. 12.
5 El. c. 5.
Repealed by
21 Jac. 1. c. 28.
See 12 Car. 2.
c. 25.

II. Provided alway, That the lord chancellor, lord treaſurer,
lord preſident of the King's moſt honourable council, lord privy
ſeal, and the two chief juſtices of either bench, or five, four,
or three of them, ſhall have power and authority by their diſ-
cretions to ſet the prices of all kind of wines, that is to ſay, of
the prices of the butt, tun, pipe, hogſhead, puncheon, tierce,
barrel

The prices of
wines ſold in
groſs ſhall be
aſſeſſed by the
King's great
officers.
34 H. 8. c. 7.
37 H. 8. c. 23.

barrel or rundlet, when it shall be sold in gros, so that they or any of them cause the prices by them set, to be written, and open proclamation thereof to be made in the King's court of chancery openly in the term-time, or else in the city, borough or town, where any such wines shall be sold in gros; any thing contained in this act to the contrary hereof notwithstanding.

The forfeiture for selling of wines in gros contrary to the prices assessed.

III. And it is further enacted, That if any person or persons, after such prices be set and put in writing by the said lord chancellor, lord treasurer, lord president of the King's most honourable council, lord privy seal, and the two chief justices, or by five, four or three of them, and proclamation thereof had (as is aforesaid) do sell any wines in gros by any fraud or covin, contrary to the said prices so set and proclaimed; that then every such offender in that behalf shall lose and forfeit for every vessel by them sold in gros contrary to the said prices, xl. s. (2) the one half of all which forfeitures to be to the King our sovereign lord, and the other half thereof, if it be within any city, borough or town corporate, to be to the mayors, sheriffs, bailiffs or other head rulers of such cities, boroughs or towns corporate; (3) and if it be without city, borough or town corporate, then to be to such of the King's subjects as will sue for the same; and that every such forfeiture shall be recovered by original writ of debt, bill, plaint or information, in which suit no wager of law shall be admitted, nor any protection or essoin allowed.

Justices of peace and chief officers in boroughs, &c. shall enquire of and punish offenders.

IV. And it is also enacted, That the justices of peace in every shire of this realm, and all mayors, sheriffs, bailiffs and other head officers in cities, boroughs and towns corporate, that is to say, every of them within the limits of their commissions and authorities, as well within franchises as without, shall have power and authority to examine, hear, enquire and determine the defaults of such as shall attempt to sell any wines in gros or by retail contrary to this act, and to punish the offenders by imprisonment, or otherwise, by their discretions.

V. And whereas in the parliament holden at Westminster in the first year of the reign of King Richard the Third, among other things, it was established, ordained and enacted, That every tun of wine should contain cclij. gallons, every butt of malmesey should contain cxxvj. gallons, every pipe cxxvj. gallons, every tertian or puncheon lxxxiiij. gallons, every hoghead lxiiij. gallons, every tierce xli. gallons and di. and every barrel xxxj. gallons and di. and every rundlet xviiij. gallons, (2) and that no vessel should be put to sale till it were gauged, upon pain of forfeiture, as by the same statute it doth appear more at large. (3) Nevertheless, great deceit is daily used in selling of wines and oyls in casks and vessels not bearing the contents above limited, to the great loss of the King's poor subjects: for remedy whereof, it is enacted by the authority of this present parliament, That the said statute made in the first year of King Richard the Third, and all other statutes heretofore made for true gauging and measuring of wines, oyls, honey or any other liquors, which estatutes afore this time be not repealed nor expired, shall stand in their strength and virtue, and be put in due execution according to their tenors and effects in every behalf.

The contents of every vessel of wine, and the statute of 1 R. 3. c. 13. and other statutes made touching the same, confirmed.

28 H. 6. c. 17.

VI. And

VI. And over that be it enacted by authority of this present parliament, That every gauger within this realm shall truly and effectually, within the limits of his office, gauge all the said runs, butts, pipes, tierces, puncheons, tertians, barrels, hogs-heads and rundlets, and shall plainly and truly mark upon the head of every such vessel the content of the same, (2) upon pain to forfeit to the party, to whose use the wine, oyl or other thing therein being shall be sold, four times the value of that that the vessel so marked shall lack of his lawful content above written; (3) the same forfeiture to be recovered over and beside the costs of the suit, by the King's original writ, or by bill in any of the King's courts of his common laws, or in any competent court having jurisdiction in the place where that offence shall be committed, by action or bill of debt; in which action or suit none essoin, protection nor wager of law shall be accepted, admitted or allowed to the defendant or defendants: (4) and that every merchant or other person selling the said wine, oyl or other things contained in the said vessel marked, shall allow of the price thereof to the buyer of the same, for every quantity of wine, oyl or other thing contained in the said marked vessel, the full value of the lack thereof, being by reason of default of full gauge of the vessel marked, or of default of filling of the same vessel, or by reason of default of any of them, after the rate of the whole price of the wine, oyl or other thing so being sold by that vessel marked, and that upon pain of forfeiture to the same buyer the double value of the same vessel and wine, oyl or other thing therein being so sold; the same forfeiture to be recovered, together with the costs of the suit, in manner and form as the forfeiture last before written is limited to be recovered.

Every vessel of wine, &c. shall be truly gauged and marked upon the head.
27 Ed. 3. c. 8.
23 H. 6. c. 16.

How he shall be recompensed which lacketh measure.

C A P. XV.

For pirates.

WHERE traytors, pirates, thieves, robbers, murderers and confederates upon the sea, many times escaped unpunished, because the trial of their offences hath heretofore been ordered, judged and determined before the admiral, or his lieutenant or commissary, after the course of the civil laws, (2) the nature whereof is, that before any judgment of death can be given against the offenders, either they must plainly confess their offences (which they will never do without torture or pains) or else their offences be so plainly and directly proved by witness indifferent, such as saw their offences committed, which cannot be gotten but by chance at few times, because such offenders commit their offences upon the sea, and at many times murder and kill such persons being in the ship or boat where they commit their offences, which should witness against them in that behalf; and also such as should bear witness be commonly mariners and shipmen, which, because of their often voyages and passages in the seas, depart without long tarrying and protraction of time, to the great costs and charges as well of the King's highness, as such as would pursue such offenders: (3) for reformation whereof, be it enacted by the authority of this present parliament, That all treasons, felonies, robberies, murders

Mod. cases in law 74.
3 Inst. 48, 111, 112.
13 Co. 51.
1 Roll. 175.

Trial of offences committed upon the sea,

or within the
admiral's ju-
risdiction, by
the King's
commission.

Altered by 11
& 12 W. 3. c. 7.
3 Inst. 147.
Hob. 146.
Dyer 211.
Pl. 33.

murders and confederacies hereafter to be committed in or upon the sea, or in any other haven, river, creek or place where the admiral or admirals have or pretend to have power, authority or jurisdiction, shall be enquired, tried, heard, determined and judged, in such shires and places in the realm, as shall be limited by the King's commission or commissions to be directed for the same, in like form and condition, as if any such offence or offences had been committed or done in or upon the land; (4) and such commissions shall be had under the King's great seal, directed to the admiral or admirals, or to his or their lieutenant, deputy and deputies, and to three or four such other substantial persons, as shall be named or appointed by the lord chancellor of *England* for the time being, from time to time, and as oft as need shall require, to hear and determine such offences after the common course of the laws of this realm, used for treasons, felonies, murders, robberies and confederacies of the same, done and committed upon the land within this realm.

The commis-
sioners autho-
rity.

1 Leon. 106,
270.
3 Bulstr. 12,
29.

II. And be it enacted by the authority aforesaid, That such persons to whom such commission or commissions shall be directed, or four of them at the least, shall have full power and authority to enquire of such offences, and of every of them, by the oaths of twelve good and lawful inhabitants in the shire limited in their commission, in such like manner and form, as if such offences had been committed upon the land within the same shire; (2) and that every indictment, found and presented before such commissioners, of any treasons, felonies, robberies, murders, manslaughter, or such other offences, being committed or done in or upon the seas, or in or upon any other haven, river or creek, shall be good and effectual in the law; (3) and if any person or persons happen to be indicted for any such offence done or hereafter to be done upon the seas, or in any other place above limited, that then such order, process, judgment and execution shall be used, had, done and made, to and against every such person and persons so being indicted, as against traytors, felons and murderers, for treason, felony, robbery, murder or other such offences done upon the land, as by the laws of this realm is accustomed; (4) and that the trial of such offence or offences, if it be denied by the offender or offenders, shall be had by twelve lawful men inhabited in the shire limited within such commission, which shall be directed as is aforesaid, and no challenge or challenges to be had for the hundred; (5) and such as shall be convict of any such offence or offences, by verdict, confession or process, by authority of any such commission, shall have and suffer such pains of death, losses of lands, goods and chattels, as if they had been attained and convicted of any treasons, felonies, robberies, or other the said offences done upon the lands.

The punish-
ment of offen-
ders.

1 Salk. 85.
Co. Lit. 391. a.

Moor 756.
pl. 1944.

III. And be it enacted by authority aforesaid, That for treasons, robberies, felonies, murders and confederacies done upon the sea or seas, or in any place above rehearsed, the offenders shall not be admitted to have the benefit of his or their clergy,

but

but be utterly excluded thereof and from the same, and also of the privilege of any sanctuary.

IV. Provided alway, That this act extend not to be prejudicial or hurtful to any person or persons for taking any victual, cables, ropes, anchors or sails, which any such person or persons (compelled by necessity) taketh of or in any ship which may conveniently spare the same, so the same person or persons pay out of hand for the same victual, cables, ropes, anchors or sails, money or money-worth, to the value of the thing so taken, or do deliver for the same a sufficient bill obligatory to be paid in form following, that is to say, if the taking of the same things be on this side the straits of *Marrake*, then to be paid within four months, and if it be beyond the said straits of *Marrake*, then to be paid within twelve months next ensuing the making of such bills, and that the makers of such bills well and truly pay the same debt at the day to be limited within the said bills.

Taking of things that may be spared upon necessity, and paying for them.

V. Provided alway, That whensoever any such commission for the punishment of the offences aforesaid, or of any of them, shall be directed or sent to any place within the jurisdiction of the five ports, that then every such commission shall be directed unto the lord warden of the said ports for the time being, or to his deputy, and unto three or four such other person or persons as the lord chancellor for the time being shall name and appoint; any thing in this present act to the contrary notwithstanding.

Commissions directed into any place within the five ports.

VI. Provided alway, That whensoever any commission shall be directed unto the five ports for the inquisition and trials of any the offences expressed in this act, that every such inquisition and trial to be had by virtue of such commission, shall be made and had by the inhabitants in the said five ports, or the members of the same; any thing in this act to the contrary thereof notwithstanding.

27 H. 8. c. 4.
1 Geo. 1. stat. 2.
c. 25.
4 Geo. 1. c. 11.
8 Geo. 1. c. 24.
28.

CAP. XVI.

A provision for dispensations and licences heretofore obtained from the see of Rome.

WHERE the bishop of Rome and his predecessors, of his and their covetous and ambitious minds, to the intent to advance and enrich themselves and the see of Rome, to the great impoverishing of this realm of England, and other the King's dominions, contrary to God's laws, the laws and statutes of this realm, and in derogation of the imperial crown of this said realm, have heretofore wrongfully pretended, extorted, used and exercised within the same divers and many usurped powers, jurisdictions and authorities, during and by the which time the said bishop and his predecessors arrogantly and unjustly have taken upon them, for great sums of money, and other profits to them given, to grant unto the King's subjects, and other inhabitants within this realm and other the King's dominions, many, divers and sundry authorities, immunities, faculties, privileges, licences, indulgences and preheminences of divers kinds, natures and qualities,

2 Roll. 451.

(2) which,

Release of such who have obtained licences from the see of Rome.

(2) *which, although they proceeded by an unjust and usurped authority, have been until now of late, by the subjects of this realm, timorously and ignorantly accepted, received, used, and erroneously put in exercise and execution; (3) the which usurped authority, jurisdiction and power is now justly, truly, and ought to be clearly and absolutely extinguished, extirped and abolished, within this realm and other the King's dominions; (4) and forasmuch as all and every such person and persons, bodies politick and corporate, which unlawfully, and without any manner of authority or just ground, heretofore have timorously and ignorantly accepted, received, used and erroneously put in execution, and exercised the said faculties, immunities, authorities, privileges, licences, indulgences and preheminences, have now sincere, pure and perfect intelligence and knowledge of the said usurped authority, jurisdiction and power; and that the said faculties, authorities, privileges, licences and indulgences, so as is aforesaid accepted, received, used and erroneously exercised, were and been to all intents and purposes clearly void, frustrate and of none effect; albeit, if they should be impeached or interrupted of such privileges, liberties, preheminences, authorities, jurisdictions, profits and other commodities, which they now have, use and exercise, by colour of such vain and void licences, dispensations and faculties, it should be to their intolerable inquietations and utter undoing.*

All bulls and dispensations from the bishop or see of Rome to any subjects of this realm shall be void.

1 Roll. 92.

II. Wherefore be it enacted by authority of this present parliament, That all bulls, breves, faculties and dispensations, of what names, natures or qualities soever they be of, heretofore had or obtained of the bishop of Rome, or any of his predecessors, or by the authority of the see of Rome, by or to any subjects, resiants, or bodies politick or corporate, of or in this realm, or of or in any other the King's dominions, shall from henceforth be clearly void and of no value, force, strength nor virtue; (2) and shall never hereafter be used, admitted, allowed, pleaded or alledged in any places or courts of this realm, or of any other the King's dominions, upon the pains contained in the statute of provision and premunire, made in the sixteenth year of the reign of King Richard the Second: (3) yet notwithstanding, at the most humble petition and intercession of the lords spiritual and temporal, and the commons in this present parliament assembled, it may please the King's majesty of his most gracious benignity, goodness and blessed disposition, that it may be enacted by authority of this parliament, That all marriages had and solemnized within this realm, or in any other the King's dominions, before the third day of November in the twenty sixth year of the King's most gracious reign, whereof there is no divorce or separation had by the ecclesiastical laws of this realm, and which marriages be not prohibited by God's laws, limited and declared in the act made in this present parliament for the establishment of the King's succession, or otherwise by holy scripture, shall be by authority of this present parliament good, lawful and effectual, and shall be from the beginning of such marriages reputed, esteemed, taken, adjudged, received, approved and allowed, by the authority of this present

A confirmation of former lawful marriages.

present parliament, to all and fingular purposes, effects and intents, as good, as fufficient, and as available, as though no impediment of matrimony had ever been between them that have contracted and folemnized fuch marriages; (4) and that all children procreated and to be procreated in and under fuch marriages, fhall be lawful to all intents and purposes.

III. And that it may be alfo enacted by the authority of this present parliament, That all archbifhops and bifhops of this realm, or of any the King's dominions, confecrated, and at this present time taken and reputed for archbifhops and bifhops, may by authority of this present parliament, and not by virtue of any provision or other foreign authority, licence, faculty or difpenfation, keep, enjoy and retain their archbifhopricks and bifhopricks, in as large and ample manner, as if they had been promoted, elected, confirmed and confecrated according to the due courfe of the laws of this realm; (2) and that every archbifhop and bifhop of this realm, and of other the King's dominions, may minifter, ufe and exercife all and every thing and things pertaining to the office or order of an archbifhop and bifhop, with all tokens, enfigns and ceremonies thereunto lawfully belonging.

A confirmation of all archbifhops and bifhops, and their authority, and other ecclefiaftical perfons and orders.

IV. And that all ecclefiaftical perfons of the King's realm and dominions, which at this time be taken, had and reputed for abbots, priors, abbeffes, prioreffes, and other heads of religion, (which be not, neither fhall be excluded from their dignities by the late act of fuppreffion) and the religious perfons living under their obedience, and all perfons now taken and reputed as mafters, prefidents, provofts and wardens of cathedral churches and colleges, with the companies and fellowfhips of the fame, all priefts and clerks which have received any of the ecclefiaftical orders, all archdeacons and deans, and other having offices, cures and dignities fpiritual, may by authority of this act, and not by the virtue of any foreign power or authority, adminifter, ufe and exercife all things pertaining to their dignities, offices, orders, cures, religions and fellowfhips, and may lawfully hereafter ufe all tokens, enfigns and ceremonies, which they have been accuftomed to ufe in times paft, fo it be not exprefly againft the laws of God and this realm; any thing or things contained in any act or acts made fithen the beginning of this present parliament to the contrary of any of the premisses in any wife notwithstanding.

V. And where divers and many of the King's faid fubjects have purchafed and obtained many difpenfations, bulls, breves and faculties of the bifhop of Rome for the time being, or by authority of the fee of Rome, as pluralities, unions, trialities, appropriations, commendams, exemptions and other bulls, breves and faculties, for divers caufes and matters, other than be afore exprefsed, which be of no ftrength or virtue: (2) it may therefore please the King's majefty, that it may be enacted by authority aforefaid, That all and every his faid fubjects, during the time of one whole year next after the feaft of St. Michael the archangel next coming, may enjoy, ufe and

and have, by authority of this preſent act, and not by the virtue of the ſaid bulls, breves and faculties, all and every the effects contained and ſpecified in ſuch bulls, breves and faculties, in all ſuch caſes only as may be diſpenſed with by the archbiſhop of *Canterbury*, by authority of the laws and ſtatutes of this realm.

The effect and contents of bulls, breves, faculties, &c. purchaſed of the ſee of Rome, which be allowable, ſhall be confirmed under the great ſeal. Dyer, 233, 345, 352.

VI. And that it may be further enacted by authority aforeſaid, That all and every the King's ſaid ſubjects, bringing, rendering and delivering to ſuch perſons of his council, or of the maſters of his chancery, as the King's highneſs ſhall name and appoint, any bulls, breves, or any other faculties concerning any the premiſſes, that then, if it ſhall appear to ſuch perſons as the King's highneſs ſhall ſo name and appoint to receive ſuch bulls, faculties and breves, after due examination thereof had, that the effects contained and ſpecified in ſuch bulls, faculties and breves, or any part thereof, may be lawfully granted by the ſaid archbiſhop of *Canterbury*, by authority of the laws and ſtatutes of this realm; that then and in every ſuch caſe the King's ſaid ſubjects making humble ſuit to have the effects contained in the ſaid bulls, breves and faculties to be granted unto them, ſhall have, receive and obtain of the chancellor of *England*, or keeper of the great ſeal for the time being, by ſufficient writing in due form to be made, and to be ſealed under the King's great ſeal, all and every ſuch effects contained and ſpecified in ſuch bulls, breves and faculties, as may be lawfully granted by the ſaid archbiſhop of *Canterbury*, by authority of the laws and ſtatutes of this realm, (2) paying only for ſealing of every ſuch writing xx s. iv. d. and over that, for the reaſonable coſts for pains of the writing thereof, iij. s. iv. d. and not above; and for the pain taken for due examination of every ſuch bulls, breves and faculties, iij. s. iv. d. and not above. (3) And that this preſent act ſhall be ſufficient and immediate warrant to the chancellor or keeper of the great ſeal, for enſealing and delivery of ſuch licences, faculties, diſpenſations and other writings, which ſhall be made, granted and ſealed under the King's great ſeal, by virtue and authority of this act.

VII. And it is alſo enacted by authority aforeſaid, That all and every ſuch licence, diſpenſation, faculty, confirmation or other writing, to be had, made or granted under the King's great ſeal out of the ſaid court of chancery by authority of this act, in form as is above rehearſed, ſhall be good and effectual to the ſaid parties ſuing for the ſame, according to the tenor and effects thereof, and ſhall be admitted, accepted and allowed in all courts and places of this realm, and in all other the King's dominions; any uſage, preſcription, foreign laws, cuſtoms or ordinance to the contrary thereof notwithstanding.

CAP. XVII.

Rep. 1 Ed. 6. Any inheritable to the crown (to be limited by King *Hen. VIII.*) after his age of xxiv. years, may repeal ſuch ſtatutes as were made in his time before that age.

CAP. XVIII.

It shall be high treason for any man to espouse, marry or take to his wife, any of the King's children being lawfully born, or otherwise commonly reputed for his children, or any of the King's sisters, or aunts of the part of the father, or any of the lawful children of the King's brethren or sisters, or to contract matrimony with any of them, without the King's licence first had under the great seal, or to deflower any of them being unmarried: and the woman so offending shall incur the like danger.

4 Inst. 361.

Rep. 1 Ed. 6.

C. 12.

1 M. sess. 1. c. 1.

Statutes made at *Westminster*, Anno 31 HEN. VIII.
and *Anno Dom.* 1539.

HENRY the Eighth, by the grace of God King of England, and of France, defender of the faith, lord of Ireland, and in earth supreme head immediately under Christ of the church of England, to the honour of Almighty God, conservation of the true doctrine of Christ's religion, and for the concord, quiet and wealth of this his realm, and subjects of the same, held his most high court of parliament, begun at Westminster the twenty-eighth day of April and there continued till the twenty-eighth day of June, the one and thirtieth year of his most noble and victorious reign, wherein were established these acts following.

CAP. I.

For joint tenants and tenants in common.

FORASMUCH as by the common laws of this realm divers of the King's subjects, being seised of manors, lands, tenements and hereditaments, as joint tenants, or as tenants in common with other, of any estate of inheritance, in their own right, or in the right of their wives, by purchase, descent or otherwise, and every of them so being joint tenants, or tenants in common, have like right, title, interest and possession in the same manors, lands, tenements and hereditaments, for their parts or portions jointly or in common undividedly together with other; (2) and none of them by the law doth or may know their several parts or portions in the same, or that that is his or theirs, by itself undivided, and cannot by the laws of this realm otherwise occupy or take the profits of the same, or make any severance, division or partition thereof, without either of their mutual assents and consents; (3) by reason whereof divers and many of them, being so jointly and undividedly seised of the said manors, lands, tenements and hereditaments, oftentimes of their perverse, covetous and malicious minds and wills, against all right, justice, equity and good conscience, by strength and power, not only cut and fallen down all the woods and trees growing upon

Godbolt 84.

pl. 97.

Several incon-

veniencies en-

suing by hold-

ing lands

jointly, or in

common, be-

ing undivided.

Keilw. 208. b.

211. b.

upon the same, but also have extirped, subverted, pulled down and destroyed all the houses, edifices and buildings, meadows, pastures, commons, and the whole commodities of the same, and have taken and converted them to their own uses and behoofs, to the open wrong and disorder, and against the minds and wills of other holding the same manors, lands, tenements and hereditaments jointly or in common with them, and they have been always without assured remedy for the same :

Joint tenants and tenants in common are compellable to make partition by writs.

Extended to joint tenants, &c. for life or years by

32 H. 8. c. 32.

8 & 9 W. 3.

c. 31. 7 A. n. c. 18.

Co. pl. f. 410.

Raymond 249.

Dyer 128,

350. b.

Bro. Partit.

38, 42.

Cro. El. 759.

2 Bulst. 114.

Every of the

joint tenants

and tenants

in common

shall have aid

of the other.

Hob. 179.

6 Co. 12.

II. Be it therefore enacted by the King our most dread sovereign lord, and by the assent of the lords spiritual and temporal, and by the commons, in this present parliament assembled, That all joint tenants and tenants in common, that now be, or hereafter shall be, of any estate or estates of inheritance in their own rights, or in the right of their wives, of any manors, lands, tenements or hereditaments within this realm of *England, Wales*, or the marches of the same, shall and may be coerced and compelled, by virtue of this present act, to make partition between them of all such manors, lands, tenements and hereditaments, as they now hold, or hereafter shall hold as joint tenants or tenants in common, by writ *De participatione facienda*, in that case to be devised in the King our sovereign lord's court of chancery, in like manner and form as coparceners by the common laws of this realm have been and are compellable to do, and the same writ to be pursued at the common law.

III. Provided alway, and be it enacted, That every of the said joint tenants or tenants in common, and their heirs, after such partition made, shall and may have aid of the other or of their heirs, to the intent to derelign the warranty paramount, and to recover for the rate, as is used between coparceners after partition made by the order of the common law; any thing in this act contained to the contrary notwithstanding.

CAP. II.

An act that fisling in any several pond, or mote, with an intent to steal fish out of the same, is felony.

All fisling with nets, &c.

with intent to

steal fish in the

night, or

breaking the

head of a pond

to take fish,

shall be felony.

Repealed

1 Ed. 6. c. 12.

1 M. sess. 1.

c. 1.

The penalty

for fisling in

any pond,

stew or mote,

in the day-

time, without

the owner's

WHEREAS divers and many of the lords, knights, esquires, gentlemen, and other the King's subjects within this his realm, at their great costs and charges have caused to be made within their several grounds many ponds, stews and motes, and stored them with divers kinds of fishes, as pikes, bremes, carps, tenches and other fishes, whereof they have thought to have had great commodity, as well for the pleasure of their friends, as for their own commodity and profit towards the necessary finding of their houses, divers and many light and unreasonable persons of this realm, being of no good rule nor honesty, little or nothing regarding God, the fear of their sovereign lord the King's highness, nor his laws, have not only fished the said ponds, stews and motes, as well by night as by day, with nets, hooks, and baits of divers sorts, but also with great number of misruled persons have entered into such grounds, and there with great violence have broken up the heads of the same ponds, stews and motes, and destroyed and taken the fish of the said ponds, stews and motes, to the great displeasures

pleasures and losses of the owners of the said ponds, stews and motes, and contrary to all good reason, right and conscience. Wherefore be it enacted by the King our sovereign lord, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That as well all manner of fishings with any nets, hooks or baits, of what kind soever they be, in any several pond, stew or mote, with an intent to steal fish out of the same, done or committed at any time after the feast of the nativity of St. John Baptist next coming, that is to say, in the one and thirtieth year of the reign of our said sovereign lord, from the hour of six in the eventide, unto the hour of six in the morning, against the wills and minds of the owners or possessioners of such ponds, stews or motes, as also the unlawful breaking up of the head of any several pond, stew or mote, by day or by night, after the said feast, without colour of title so to do, whereby any fish of the same pond, stew or mote, is taken or destroyed, against the will or mind of the owner or possessioner of the same, be to all intents deemed, taken and adjudged felony; and that those persons so offending shall have and suffer all such pains of death and punishments, as other felons ought to have and suffer for felony by the course of the laws of this realm.

consent, is three months imprisonment, and after to find surety for his good abearing. Altered by 5 El. c. 21.

This clause is repealed by 1 E. 6. c. 12 s. 4.

II. And also be it further enacted by the authority aforesaid, That if any such evil disposed persons, after the feast before limited, do fish in the day-time, at any other time than is before rehearsed, in any such several ponds, stews or motes, with any manner of nets, hooks or baits, as is aforesaid, what kind soever they be of, against the will, pleasure and mind of the owners or possessors of the same several ponds, stews or motes, not having any manner of colour of title so to do, and thereof be lawfully convicted at the suit of our sovereign lord the King, or the party grieved, that then the said parties so convicted shall suffer imprisonment by the space of three months, and after the said iii months expired, shall find sufficient surety for his or their good abearing, or else to remain still in prison without bail or mainprize, unto such time as he or they can find such surety.

C A P. III.

An act changing the custom of gavelkind.

THE King our sovereign lord, for divers considerations his Majesty moving, by authority of this his high court of parliament, enacteth, ordaineth and establisheth, That as well all the lordships, manors, lands, tenements, woods, pastures, rents, services, reversions, remainders, advowsons, and all other whatsoever hereditaments, set, lying and being within the county of Kent, of the which Thomas Crumwel, knight of the honourable order of the garter, lord Crumwel of Wimbledon, lord privy seal, Thomas Burgh knight, lord Burgh, George Broke knight, lord Cobham, Andrew Windsor knight, lord Windsor, Thomas Cheine knight, treasurer of our said sovereign lord the King's most honourable household, Christopher Hales knight, master of the

The manors, &c. of Thomas lord Crumwel, and of others to the number of xxxiv. persons, being within the county of Kent, and gavelkind-lands, shall hereafter descend as lands at the common law.

Hardr. 325.

rolls of our said sovereign Lord's court of chancery, *Thomas Willoughby* knight, one of the judges of the King's court of the common place, *Anthony Saintleger* knight, *Edward Wotton* knight, *Edward Boueton* knight, *Roger Cholmeley* knight, serjeant at law, *John Champneis* knight, *John Baker* esquire, our said sovereign lord the King's general attorney, *Reinold Scotte* esquire, *John Guldford* esquire, *Thomas Kempe* esquire, *Edward Thwaitis* esquire, *William Roper* esquire, *Anthony Sandes* esquire, *Edward Isaac* esquire, *Percival Hart* esquire, *Edward Monyns* esquire, *William Whetnel* esquire, *John Fogge* esquire, *Edmund Fetyplace* esquire, *Thomas Hardres* esquire, *William Waller* esquire, *Thomas Wylford* esquire, *Thomas Moile* esquire, *Thomas Harlakinden* esquire, *Geffrey Lee* esquire, *James Hales*, *Henry Hussee* and *Thomas Roiden* gentlemen, or any of them, is or be seiled to his or their own use or uses in fee-simple or in fee-tail, the which now been of the tenure and nature of gavelkind, and heretofore have been departed or be departible between heirs males by the custom of gavelkind, shall from henceforth be clearly changed from the said custom, tenure and nature of gavelkind, and in no wise hereafter be departed or departible by the said custom of gavelkind between heirs males, but shall remain, revert, abide, descend, come and be, after and according as lordships, manors, lands, tenements and other hereditaments do or may descend, remain, revert, abide, come or be, according to the common law of this realm, and as other manors, lands and tenements being in the said county of *Kent*, which never were holden by service of soccage, but be and always have been holden by knights service, do descend, remain, revert, abide, come, and be; and in like manner to descend and be descendible, remain, revert, come and be inheritable to the heir or heirs, after and accordiug to the said common laws of this realm of *England*. (2) And that all and singular the said lordships, manors, lands, tenements and other hereditaments, with the appurtenances, of the said lord *Crumweil*, lord *Burgh*, lord *Cobham*, lord *Windsor*, *Thomas Cheine*, *Christopher Hales*, *Thomas Willoughby*, *Anthony Saintleger*, *Edward Wotton*, *Edward Boueton*, *Roger Cholmeley*, *John Champneis*, *John Baker*, *Reinold Scotte*, *John Guldford*, *Thomas Kempe*, *Edward Thwaitis*, *William Roper*, *Anthony Sandes*, *Edward Isaac*, *Percival Hart*, *Edward Monyns*, *William Whetnal*, *John Fogge*, *Edmund Fetyplace*, *Thomas Hardres*, *William Waller*, *Thomas Wylford*, *Thomas Moile*, *Thomas Harlakinden*, *Geffrey Lee*, *James Hales*, *Henry Hussee* and *Thomas Roiden*, or of any of them, and which before the making of this act have been of the said nature and tenure of gavelkind in the said county of *Kent*, shall from henceforth be accepted, taken, inherited, deemed, and adjudged to be, like as lordships, manors, lands, tenements and other hereditaments at the common law of this realm, and in such manner and form, as if the same manors, lordships, lands, tenements and other hereditaments had never been of the said nature of gavelkind; any usage or custom in the said county of *Kent* heretofore had, accepted or used, to the contrary notwithstanding: (3) saving always, and reserving to all and singular persons, other than the said lord

A saving of
other mens
rights, &c.

lord *Crumwel*, lord *Burgh*, lord *Cobham*, lord *Windsor*, *Thomas Cheine*, *Christopher Hales*, *Thomas Willoughby*, *Anthony Saintleger*, *Edward Wotton*, *Edward Boueton*, *Roger Cholmeley*, *John Champneis*, *John Baker*, *Reinold Scotte*, *John Guldford*, *Thomas Kempe*, *Edward Thwaitis*, *William Roper*, *Anthony Sandes*, *Edward Isaac*, *Percival Hart*, *Edward Monyns*, *William Wbetnal*, *John Fogge*, *Edmund Fetyplace*, *Thomas Hardres*, *William Waller*, *Thomas Wylford*, *Thomas Moile*, *Thomas Harlakinden*, *Geffrey Lee*, *James Hales*, *Henry Hufsee* and *Thomas Roidon*, or any of them, and to every of them against any other of them, all such right, title, interest and inheritance, as they or any of them had before the making of this act, of, to or in any of the said manors, lands, tenements, woods, pastures, rents, services, reversions, remainders, advowsons, and other the premisses, as if this present act had never been had nor made.

CAP. IV.

The mayor and bailiffs of *Exeter* may break all wears and lets in P^R. the river of *Exe*, and shall pay to the owners and farmers of so much ground as they shall dig, the rate of twenty years purchase, or so much as shall be adjudged by the justices of assise in the county of *Devon*.

CAP. V.

The manor of *Hampton-Court*, with divers lordships, lands and tenements thereunto united, shall be called the *Honour of Hampton-Court*; (2) and the King shall have therein a chase, and free chase and warren for all beast of venery and fowls of warren, which shall be called *Hampton-Court-Chase*; (3) and all offenders in the same shall incur such penalties as the like offenders do in any other forest or chase: and the said honour and chase of *Hampton-Court*, and all the manors and lands within the same, shall be in the survey and governance of the court of augmentations. (4) The manor of *Sheppon* in the county of *Berks*, made parcel of the duchy of *Cornwal* in respect of the manors of *Bisfete* and *Weibridge*, by this act taken from the said duchy.

CAP. VI.

Religious persons are enabled to sue and be sued. Religious persons deraigned shall not sue for any former right descended unto them. Explained by 5 & 6 Ed. 6. c. 13. Religious persons being priests, or that have vowed religion at 21 years of age, shall not marry. 34 H. 8. c. 44.
Explained by
33 H. 8. c. 29.

CAP. VII.

A continuance, until the last day of the next parliament, of the statutes of 22 H. 8. c. 12. 27 H. 8. c. 25. 22 H. 8. c. 7. 26 H. 8. c. 11. 25 H. 8. c. 6. 21 H. 8. c. 10. 21 H. 8. c. 12. 23 H. 8. c. 17. 24 H. 8. c. 9. 23 H. 8. c. 3. 25 H. 8. c. 9. 24 H. 8. c. 4. 23 H. 8. c. 2. 28 H. 8. c. 6, 8, 9, concerning beggars, &c. El. c. 18,

CAP. VIII.

The King for the time being, with the advice of his council, or the more part of them, may set forth proclamations under such penalties and pains as to him and them shall seem necessary, which shall be observed as though they were made by act of parliament; but this shall not be prejudicial to any person's inheritance, offices, liberties, goods, chattels or life; and whosoever shall willingly offend any article contained in the said proclamations, shall pay such forfeitures, or be so long imprisoned, as shall be expressed in the said proclamations; and if any offending will depart the realm, to the intent he will not answer his said offence, he shall be adjudged a traitor.

34 H. 8. c. 23.
REP. by 1 Ed.
6. c. 12.

CAP. IX.

REP. by 1 & 2 Ph. & M. c. 8.
8 El. c. 1. An act authorizing the King's highness to make bishops by his letters patents.

CAP. X.

For placing of the lords.

4 Inst. 361.

How the lords
in parliament
shall be placed.

None shall sit
on either side
of the cloth of
estate.

The King's
vicegerent in
ecclesiastical
jurisdiction.

FORASMUCH as in all great councils and congregations of men, having sundry degrees and offices in the commonwealth, it is very requisite and convenient that an order should be had and taken for the placing and sitting of such persons as been bounden to resort to the same, to the intent that they, knowing their places, may use the same without displeasure or let of the council; (2) therefore the King's most royal majesty, although it appertaineth unto his prerogative royal to give such honour, reputation and placing to his counsellors, and other his subjects, as shall be seeming to his most excellent wisdom, is nevertheless pleased and contented, for an order to be had and taken in this his most high court of parliament, that it shall be enacted by authority of the same, in manner and form as hereafter followeth.

II. First, it is enacted by authority aforesaid, That no person or person, of what estate, degree or condition soever he or they be of, (except only the King's children) shall at any time hereafter attempt or presume to sit or have place at any side of the cloth of estate in the parliament chamber, neither of the one hand of the King's highness, nor of the other, whether the King's majesty be there personally present or absent. (2) *And forasmuch as the King's majesty is justly and lawfully supreme head in earth, under God, of the church of England, and for the good exercise of the said most royal dignity and office, hath made Thomas lord Cromwel and lord privy seal, his vicegerent, for good and due ministration of justice to be had in all causes and cases touching the ecclesiastical jurisdiction, and for the godly reformation and redress of all errors, heresies and abuses in the said church:* (3) It is therefore also enacted by authority aforesaid, That the said lord Cromwel, having the said office of vicegerent, and all other persons which hereafter shall have the said office of the grant of the King's highness, his heirs or successors, shall sit and be placed, as well in this present parliament, as in all parliaments to be holden hereafter, on the right side of the parliament chamber, and upon

on the same form that the archbishop of *Canterbury* sitteth on, and above the same archbishop and his successors, and shall have voice in every parliament to assent or dissent, as other the lords of the parliament.

III. And it is also enacted, That next to the said vicegerent shall sit the archbishop of *Canterbury*; and then next to him, on the same form and side, shall sit the archbishop of *York*; and next to him, on the same form and side, the bishop of *London*; and next to him, on the same side and form, the bishop of *Durham*; and next to him, on the same side and form, the bishop of *Winchester*; and then all the other bishops of both provinces of *Canterbury* and *York* shall sit and be placed on the same side after their ancienties, as it hath been accustomed.

How the bishops shall be placed in the parliament house.

IV. And forasmuch as such other personages, which now have, and hereafter shall happen to have other great offices of the realm, that is to say, the offices of the lord chancellor, the lord treasurer, the lord president of the King's most honourable council, the lord privy seal, the great chamberlain of England, the constable of England, the lord marshal of England, the lord admiral, the grand master or lord steward of the King's most honourable household, the King's chamberlain, and the King's secretary, have not heretofore been appointed and ordered for the placing and sitting in the King's most high court of parliament by reason of their offices: (2) It is therefore now ordained and enacted by the authority aforesaid, That the lord chancellor, the lord treasurer, the lord president of the King's council, and the lord privy seal, being of the degree of barons of parliament, or above, shall sit and be placed, as well in this present parliament as in all other parliaments hereafter to be holden, on the left side of the said parliament chamber, on the higher part of the form of the same side, above all dukes, except only such as shall happen to be the King's son, the King's brother, the King's uncle, the King's nephew, or the King's brothers or sisters sons.

The lord chancellor, president of the King's council and lord privy seal.

V. And it is also ordained and enacted by authority aforesaid, That the great chamberlain, the constable, the marshal, the lord admiral, the great master or lord steward, and the King's chamberlain, shall sit and be placed after the lord privy seal, in manner and form following; that is to say, every of them shall sit and be placed above all other personages being of the same estates or degrees that they shall happen to be of, that is to say, the great chamberlain first, the constable next, the marshal third, the lord admiral the fourth, the grand master or lord steward, the fifth, and the King's chamberlain the sixth.

The great chamberlain, constable, marshal, admiral, steward, &c.

See 1 Geo. 1. c. 3. a private act.

VI. And it is also enacted by authority aforesaid, That the King's chief secretary, being of the degree of a baron of the parliament, shall sit and be placed afore and above all barons, not having any of the offices above mentioned; (2) and if he be a bishop, that then he shall sit and be placed above all other bishops not having any of the offices above remembered.

The King's chief secretary.

VII. And it is also ordained and enacted by authority aforesaid, That all dukes not aforementioned, marquesses, earls, viscounts

Dukes, marquesses, earls, viscounts

viscounts, barons.

viscounts and barons, not having any of the offices aforesaid, shall sit and be placed after their ancienty, as it hath been accustomed,

The place of great officers under the degree of barons.

VIII. And it is further enacted, That if any person or persons, which at any time hereafter shall happen to have any of the said offices of lord chancellor, lord treasurer, lord president of the King's council, lord privy seal, or chief secretary, shall be under the degree of a baron of the parliament, by reason whereof they can have no interest to give any assent or dissent in the said house, that then in every such case, such of them as shall happen to be under the said degree of a baron, shall sit and be placed at the uppermost part of the sacks, in the midst of the said parliament chamber, either there to sit upon one form, or upon the uppermost sack, the one of them above the other, in order as is above rehearsed.

Places in trials by peers.

IX. Be it also enacted by authority aforesaid, That in all trials of treasons by peers of this realm, if any of the peers that shall be called hereafter to be triours of such treasons, shall happen to have any of the offices aforesaid, that then they, having such offices, shall sit and be placed according to their offices, above all the other peers that shall be called to such trials, in manner and form as is above mentioned and rehearsed.

Places in the star-chamber and other assemblies.

X. And it is also enacted by authority aforesaid, That as well in all parliaments, as in the star-chamber, and in all other assemblies and conferences of council, the lord chancellor, the lord treasurer, the lord president, the lord privy seal, the great chamberlain, the constable, the marshal, the lord admiral, the grand master or lord steward, the King's chamberlain, and the King's chief secretary, shall sit and be placed in such order and fashion as is above rehearsed, and not in any other place, by authority of this present act.

CAP. XI.

The authority given to the King by the statute of 28 H. c. 3. to allot the towns in *Wales*, continued for three years.

CAP. XII.

It shall be felony to take, in the King's ground, any egg or bird of any falcon, goshawk or laner, out of the nest; or to find or take up any falcon, jersfalcon, jerkin, facer or facerit, goshawk, laner or lanerite, of the King's, and having on it the King's arms and verviles, and do not within twelve days bring or send the same to the master of the King's hawks, or to one of his falconers, or to the chief of the shire; (2) or between the rising of the sun, and setting of the same, with his face hid or covered with hood or visert, or painted, or disguised, to the intent he would not be known, to enter into any forest, chase or park of the King's, Queen's, prince's, or any of the King's children, or into any other ground of either of theirs inclosed with wall or pale, ordained for the keeping of deer, to the intent to steal any of them, or to drive any

any of them forth of the same forest, &c. or in or at any time of the day, with his face hid or disguised, to kill any conies or rabbits within any ground, being the lawful warren of the King's, &c. in or within any of his or their parks; or in the night to enter into any park, chase or forest of the King's, &c. to the intent to steal any deer, or into his or their warren to kill and steal any conies,

3 & 4 Ed. 6.
c. 17. 7 Ed. 6.
c. 11.
1 M. sess. 1.
c. 4.

CAP. XIII.

An act for dissolution of monasteries and abbies.

WHERE divers and sundry abbots, priors, abbesses, prioresses and other ecclesiastical governors and governesses of divers monasteries, abbaties, priories, nunneries, colleges, hospitals, houses of friars and other religious and ecclesiastical houses and places within this our sovereign lord the King's realm of England and Wales, of their own free and voluntary minds, good wills and assents, without constraint, coercion or compulsion of any manner of person or persons, sithen the fourth day of February the twenty-seventh year of the reign of our now most dread sovereign lord, by the due order and course of the common laws of this his realm of England, and by their sufficient writings of record, under their covent and common seals, have severally given, granted, and by the same their writings severally confirmed all their said monasteries, abbaties, priories, nunneries, colleges, hospitals, houses of friars and other religious and ecclesiastical houses and places, and all their sites, circuits and precincts of the same, and all and singular their manors, lordships, granges, meases, lands, tenements, meadows, pastures, rents, reversions, services, woods, tithes, pensions, portions, churches, chapels, advowsons, patronages, annuities, rights, entries, conditions, commons, leets, courts, liberties, privileges and franchises, appertaining or in any wise belonging to any such monastery, abbathy, priory, nunnery, college, hospital, house of friars and other religious and ecclesiastical houses and places, or to any of them, by whatsoever name or corporation they or any of them were then named or called, and of what order, habit, religion, or other kind or quality soever they or any of them were then reputed, known or taken; to have and to hold all the said monasteries, abbaties, priories, nunneries, colleges, hospitals, houses of friars, and other religious and ecclesiastical houses and places, sites, circuits, precincts, manors, lands, tenements, meadows, pastures, rents, reversions, services, and all other the premisses, to our said sovereign lord, his heirs and successors for ever, and the same their said monasteries, abbaties, priories, nunneries, colleges, hospitals, houses of friars, and other religious and ecclesiastical houses and places, sites, circuits, precincts, manors, lordships, granges, meases, lands, tenements, meadows, pastures, rents, reversions, services, and other the premisses, voluntarily, as is aforesaid, have renounced, left and forsaken, and every of them hath renounced, left and forsaken.

How leases made of manors belonging to monasteries dissolved, and assured to the King, shall take effect.
3 Bulst. 154.

II. Be it therefore enacted by the King our sovereign lord, and the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That the King our sovereign lord shall have, hold, possess and enjoy

Monasteries and their lands, before surrendered or dissolved,

given to the
King.

27 H. 8. f. 10.
BRO. Chose en
action 14.

enjoy to him, his heirs and successors for ever, all and singular such late monasteries, abbathies, priories, nunneries, colleges, hospitals, houses of friars, and other religious and ecclesiastical houses and places, of what kinds, natures, qualities or diversities of habits, rules, professions or orders they or any of them were named, known or called, which sith the said fourth day of *February* the twenty-seventh year of the reign of our said sovereign lord, have been dissolved, suppressed, renounced, relinquished, forfeited, given up, or by any other mean come to his Highness; (2) and by the same authority, and in like manner shall have, hold, possess and enjoy all the sites, circuits, precincts, manors, lordships, granges, meases, lands, tenements, meadows, pastures, rents, reversions, services, woods, tithes, pensions, portions, parsonages appropriated, vicarages, churches, chapels, advowsons, nominations, patronages, annuities, rights, interests, entries, conditions, commons, leets, courts, liberties, privileges, franchises and other whatsoever hereditaments, which appertained or belonged to the said late monasteries, abbathies, priories, nunneries, colleges, hospitals, houses of friars, and other religious and ecclesiastical houses and places, or to any of them, in as large and ample manner and form, as the late abbots, priors, abbeses, prioresses, and other ecclesiastical governors and governesses of such late monasteries, abbathies, priories, nunneries, colleges, hospitals, houses of friars and other religious and ecclesiastical houses and places, had, held or occupied, or of right ought to have had, holden or occupied, in the rights of their said late monasteries, abbathies, priories, nunneries, colleges, hospitals, houses of friars or other religious and ecclesiastical houses and places, at the time of the said dissolution, suppression, renouncing, relinquishing, forfeiting, giving up, or by any other manner of mean coming of the same to the King's highness sithen the fourth day of *February* above specified.

Co. pl. f. 445.
All other houses to be dissolved, and their lands given to the King.
2 Roll. 100.

III. And it is further enacted by the authority aforesaid, That not only all the said late monasteries, abbathies, priories, nunneries, colleges, hospitals, houses of friars, and other religious and ecclesiastical houses and places, sites, circuits, precincts, manors, lordships, granges, meases, lands, tenements, meadows, pastures, rents, reversions, services, and all other the premisses, forthwith, immediately and presently; (2) but also all other monasteries, abbathies, priories, nunneries, colleges, hospitals, houses of friars, and all other religious and ecclesiastical houses and places, which hereafter shall happen to be dissolved, suppressed, renounced, relinquished, forfeited, given up, or by any other mean come to the King's highness; (3) and also all the sites, circuits, precincts, manors, lordships, granges, meases, lands, tenements, meadows, pastures, rents, reversions, services, woods, tithes, pensions, portions, parsonages appropriate, vicarages, churches, chapels, advowsons, nominations, patronages, annuities, rights, interests, entries, conditions, commons, leets, courts, liberties, privileges, franchises and other hereditaments

hereditaments whatsoever they be, belonging or appertaining to the same or any of them; (4) whensoever and as soon as they shall be dissolved, suppressed, renounced, relinquished, forfeited, given up, or by any other mean come unto the King's highness, shall be vested, deemed and adjudged by authority of this present parliament, in the very actual and real seisin and possession of the King our sovereign lord, his heirs and successors for ever, in the state and condition as they now be; (5) and as though all the said late monasteries, abbathies, priories, nunneries, colleges, hospitals, houses of friars, and all other religious and ecclesiastical houses and places so dissolved, suppressed, renounced, relinquished, forfeited, given up, or come unto the King's highness as is aforesaid, (6) as also the said monasteries, abbathies, priories, nunneries, colleges, hospitals, houses of friars, and other religious and ecclesiastical houses and places, which hereafter shall happen to be dissolved, suppressed, renounced, relinquished, forfeited, given up or come unto the King's highness, sites, circuits, precincts, manors, lordships, granges, lands, tenements and other the premises, whatsoever they be, and every of them, were in this present act specially and particularly rehearsed, named and expressed by express words, names, titles and faculties, and in their natures, kinds and qualities.

Co. pl. f. 187, 546.

10 Co. 55. Plowd. 193.

The sites and lands of the monasteries shall be in the actual possession of the King.

IV. And be it also enacted by the authority aforesaid, That all the said late monasteries, abbathies, priories, nunneries, colleges, hospitals, houses of friars, and other religious and ecclesiastical houses and places, which being dissolved, suppressed, renounced, relinquished, given up or come to the King's highness by any manner of means as is aforesaid, and all the manors, lordships, granges, lands, tenements, and other the premises (except such thereof as be come to the King's hands by attainder or attainders of treason) (2) and all the said monasteries, abbathies, priories, nunneries, colleges, hospitals, houses of friars, and other religious and ecclesiastical houses or places, which hereafter shall happen to be dissolved, suppressed, renounced, relinquished, forfeited, given up or come unto the King's highness, (3) and all the manors, lordships, granges, lands, tenements, meadows, pasturages, rents, reversions, services, woods, tithes, portions, pensions, parsonages appropriate, vicarages, churches, chapels, advowsons, nominations, patronages, annuities, rights, interests, entries, conditions, commons, leets, courts, liberties, privileges, franchises and other hereditaments, whatsoever they be, belonging to the same, or to any of them (except such thereof which shall happen to come to the King's highness by attainder or attainders of treason) shall be in the order, survey and governance of our said sovereign lord the King's court of augmentations of the revenues of his crown, and of the chancellor, officers and ministers of the same; (4) and all the farms, issues, revenues and profits, coming and growing of the premises, and of every part thereof, (except before except) shall be ordered, taken and received for the King's use

All abbey lands shall be within the survey of the court of augmentations, except such which come by attainder.

Explained by 32 H. 8. c. 20. f. 1.

Other mens
titles saved.

Rents service,
rents seck, and
other services
and suits ex-
cepted out of
the saving.

Leases or
grants made
within a year
of lands not
uled to be let
to ferm.
Savil 66.
Dyer 77, 207,
231,

use by the said chancellor, ministers and officers, of the same court, in such and like manner and form, as the monasteries, priories, sites, circuits, manors, granges, meases, lands, tenements, rents, reversions, services, tithes, pensions, portions, advowsons, patronages, rights, entries, conditions and other hereditaments, late appertaining or belonging unto the monasteries, abbathies, priories or other religious houses, late by authority of parliament suppressed, been ordered, surveyed and governed; (5) saving to all and every person and persons, and bodies politick and their heirs and successors, and the heirs and successors of all and every of them (other than the said late abbots, priors, abbesses, prioresses and other ecclesiastical governors and governesses of the said late monasteries, abbathies, priories, nunneries, colleges, hospitals, houses of friars and other religious and ecclesiastical houses and places and their successors, and the successors of every of them, and such as pretend to be founders, patrons or donors of such monasteries, abbathies, priories, nunneries, colleges, hospitals, houses of friars, and other ecclesiastical houses and places, or of any manors, messuages, lands, tenements, or other hereditaments belonging to the same, or to any of them, their heirs and successors, and the heirs and successors of every such founder, patron or donor, and the now abbots, priors, abbesses, prioresses, and other ecclesiastical governors and governesses of such monasteries, abbathies, priories, nunneries, colleges, hospitals, houses of friars, and other religious and ecclesiastical houses and places, which hereafter shall happen to be dissolved, suppressed, renounced, relinquished, forfeited, given up, or come to the King's highness, and such as pretend to be founders, patrons, or donors of such monasteries, abbathies, priories, nunneries, colleges, hospitals, houses of friars, and other ecclesiastical houses and places, or of any manors, messuages, lands, tenements or other hereditaments to the same belonging, or to any of them, their heirs and successors, and the heirs and successors of every of them; (6) all such right, title, claim, interest, possession, rents, charges, annuities, leases, farms, offices, fees, liveries and livings, portions, pensions, corrodies, commons, synods, proxies and other profits, which they or any of them have, claim, ought, may or might have had, in or to the premises, or to any part or parcel thereof, in such like manner, form and condition, to all intents, respects, constructions and purposes, as if this act had never been had ne made (rents services, rents seck, and all other services and suits only except.)

V. Provided always, and be it enacted by the authority aforesaid, That if any late abbot, prior, prioress, abbess, or other ecclesiastical governor or governess aforesaid, within one year next before the dissolution, suppression, renouncing, relinquishing, forfeiting, giving up, or coming to the King's highness, of his late monastery, abbathy, priory, nunnery, college, hospital, house of friars, or other religious or ecclesiastical house or place, hath made any lease or grant under his co-
vent

vent or common seal, or otherwise, for term of life, or for term of years, of the site, circuit and precinct of his said late monastery, abbath, priory, nunnery, college, hospital, house of friars, or other religious or ecclesiastical house or place, or of any part thereof, or of any manors, messuages, granges, lands, tenements, parsonages appropriate, tithes, pensions, portions or other hereditaments, which belonged or appertained to his said late monastery, abbath, priory, nunnery, college, hospital, house of friars, or other religious or ecclesiastical house or place, (2) which manors, messuages, granges, lands, tenements, parsonages appropriate, tithes, pensions, portions or other hereditaments, were not before the same lease commonly used to be set nor let to farm, but kept and reserved in the manurance, tillage or occupation of the said governor or governess, for the maintenance of hospitality and good house-keeping; (3) or within one year, as is abovesaid, hath made any lease or grant for term of life, or for term of years, of any manors, messuages, lands, tenements, meadows, pastures, woods, parsonages impropriate, tithes, pensions, portions, churches, chapels, or other hereditaments, whatsoever they be, whereof or in the which any estate or interest for term of life, year or years, at the time of the making of any such grant or lease, then had his being or continuance, and then was not determined, finished or expired, (4) or within the time of one year, as is abovesaid, hath made any lease or grant for term of life, or for term of years, of any manors, messuages, lands, tenements, meadows, pastures, woods, parsonages appropriate, tithes, pensions, portions, churches, chapels, or other hereditaments, whatsoever they be, upon the which leases and grants, the usual and old rents and farms, accustomed to be yielded and reserved by the space of twenty years next before the first day of this present parliament, is and be not thereupon reserved and holden; (5) or if any such governor or governess hath made any bargain or sale of his woods within one year, as is afore limited, which woods be yet growing and standing, (6) that then all and every such lease, grant, bargain and sale of wood or woods, shall be utterly void and of none effect.

VI. And it is also enacted by the authority aforesaid, That all feoffments, fines and recoveries had, made, acknowledged or suffered by any governor or governess, without the King's licence under his great seal, within one year next before the dissolution, renouncing, relinquishing, forfeiting, giving up, or coming unto the King's highness, of his said monastery, abbath, priory, nunnery, college, hospital, house of friars, or other religious or ecclesiastical house or place, or any manors, messuages, lands, tenements or other hereditaments whatsoever they be, which the said late abbot, prior, abbess, prioress, and other ecclesiastical governor and governess, or any of them, or any of their predecessors, had or held, of the gift, grant or confirmation of our said sovereign lord, or of any of his Highness progenitors, or of the which monasteries, abbathies, priories, nunneries,

Dyer 180.
Leases made in reversion within one year before the dissolution.
Hob. 248, 298.

Dyer 123.
Leases made not reserving the old rent.

Wood-sales within one year before the dissolution.

Feoffments, fines and recoveries, known by abbots of lands of the King's gift, or of their ancient foundation.

neries, colleges, hospitals, houses of friers, or other religious or ecclesiastical houses or places, our said sovereign lord was founder or patron, or which manors, meases, lands, tenements, or other hereditaments were of the ancient or old foundation or possession of the said late monasteries, abbathies, priories, nunneries, colleges, hospitals, houses of friars, or other religious or ecclesiastical houses or places, shall be utterly void and of none effect.

Leases of lands not usually let of such monasteries as hereafter shall be suppressed.

VII. And it is further enacted by the authority aforesaid, That if any abbot, prior, abbess, prioress, or other ecclesiastical governor or governess of any monastery, abbathy, priory, nunnery, college, hospital, house of friars, or other religious or ecclesiastical house or place, which hereafter shall happen to be dissolved, suppressed, renounced, relinquished, forfeited, given up, or come to the King's highness, within one year next before the first day of this present parliament, have made, or hereafter do make, any lease or grant under his covent or common seal, or otherwise for term of years, or life or lives, of the site, circuit and precinct of his said monastery, abbathy, priory, nunnery, college, hospital, house of friars, or other religious or ecclesiastical house or place, or of any part thereof, (2) or of any manors, messuages, lands, tenements, parsonages appropriate, tithes, pensions, portions, and other hereditaments belonging or appertaining to his said monastery, abbathy, priory, nunnery, college, hospital, house of friars, or other religious or ecclesiastical house or place, which manors, meases, granges, lands, tenements, parsonages appropriate, tithes, pensions, portions, and other hereditaments, whatsoever they be, were not, before the same lease, commonly used to be set nor let to ferm, but kept and reserved in the manurance, tillage or occupation of the said governor or governess, for the maintenance of hospitality and good house-keeping, or now be in the manurance, tillage or occupation of the said governor or governess, for the maintenance of hospitality and good house-keeping; (3) or within one year next before the first day of this present parliament, hath made, or hereafter shall make any lease or grant for term of life, or for term of years, of any manors, meases, lands, tenements, meadows, pastures, woods, parsonages appropriate, tithes, pensions, portions, churches, chapels, or other hereditaments whatsoever they be, whereof and in the which any estate or interest for term of life, year or years, at the time of the making of any such grant or lease, then had his being or continuance, or hereafter shall have his being or continuance, and then was not determined, finished or expired, or at any time of any such lease to be made, shall not be determined, finished or expired; (4) or within one year next before the first day of this present parliament hath made, or hereafter shall make, any lease or grant for term of life, or for term of years, of any manors, messuages, lands, tenements, meadows, pastures, woods, parsonages appropriate, tithes, pensions, portions, churches, chapels, or other hereditaments,

Lease of lands in lease.
Moor 60.
pl. 169. 128.
pl. 276.
3 Co. 7.

2 Roll. 171.
Leases of abbey lands which are to be dissolved, not reserving the old rent.

taments, whatsoever they be, upon which leases and grants the usual and old rents and fermis accustomed to be yielded and reserved by the space of twenty years next before the said first day of this present parliament, is or be not, or hereafter shall not be there upon reserved and yielded; (5) or if any such governor or governess of any such monastery, abbath, priory, nunnery, college, hospital, house of friars, or other religious or ecclesiastical house or place, which hereafter shall happen to be dissolved, suppressed, renounced, relinquished, forfeited, given up or come to the King's highness, within one year next before the first day of this present parliament, hath made, or hereafter shall make, any bargain or sale of his woods, which woods be yet growing and standing; (6) that then all and every such lease, grant, bargain and sale of wood or woods, shall be utterly void and of none effect.

Wood-sales made or to be made within one year before the dissolution.

VIII. And it is also enacted by the authority aforesaid, That all feoffments, fines and recoveries had, made, knowledged or suffered within one year next before the first day of this present parliament, or hereafter to be had, made, knowledged or suffered by any governor or governess of any monastery, abbath, priory, nunnery, college, hospital, house of friars, or other religious or ecclesiastical house or place, which hereafter shall happen to be dissolved, suppressed, renounced, relinquished, forfeited, given up, or come to the King's highness, without the King's licence under his great seal, of any manors, meases, lands, tenements, or other hereditaments, whatsoever they be, which the said abbots, priors, abbesses, prioresses, and other ecclesiastical governors and governesses, which hereafter shall happen to be dissolved, suppressed, relinquished, forfeited, given up, or come unto the King's highness, as is aforesaid, or any of them, or any of their predecessors had or held, or have and hold, of the gift, grant or confirmation of our said sovereign lord, or of any of his Highness progenitors, or of the which monasteries, abbathies, priories, nunneries, colleges, hospitals, houses of friars, or other religious and ecclesiastical houses and places our said sovereign lord is founder or patron, or which manors, meases, lands, tenements or other hereditaments, were or be of the ancient or old foundation or possession of the said monasteries, abbathies, priories, nunneries, colleges, hospitals, houses of friars, or other religious or ecclesiastical houses or places, shall be utterly void and of none effect.

Assurances made by governors of houses of religion suppressed, of any of their lands within one year before.

IX. Provided alway, and be it enacted by authority aforesaid, That if any abbot, prior, abbess or prioress, or other governor or governess abovesaid, within one year next before the first day of this present parliament; or if any late abbot, prior, abbess, prioress or other late governor or governess abovesaid, within one year next before any such dissolution, suppression, renouncing, relinquishing, forfeiting, giving up, or coming to the King's highness, of the premises, or of any parcel thereof, as is aforesaid; have made any demise, lease or grant to any person or persons for term of years, of any manors, meases,

3 Roll. 401.
A lease for years made to the old lessee for years within a year before the dissolution, or of this parliament.
Co. pla. f. 188.
2 Leonard 55.
lands, 3 Leonard 164.

Plowd. 102.

Dyer 102, 352.

lands, tenements, parsonages appropriate, tithes, pensions, portions or other hereditaments aforesaid, which person or persons, at the time of the said demise, lease or grant, had and held the same to term for term of years then not expired; that then the said person or persons, to whom any such demise, lease or grant hath been so made, shall have and hold the same for the term of one and twenty years only from the time of the making of the said demise, lease or grant, if so many years be by the same demise, lease or grant specified, limited and expressed, or else for so many years as in such demise, lease or grant been expressed, so that the old rent be thereupon reserved, and so that the same lease or leases exceed not twenty-one years; this act or any thing therein contained to the contrary notwithstanding.

A lease for life made to the old lessee for life or years.

X. Provided also, and be it enacted by the authority aforesaid, That if any abbot, prior, abbess, prioress, or other late governor or governess, within one year next before any such dissolution, suppression, renouncing, relinquishing, forfeiting, giving up, or coming unto the King's highness, of the premises, or any parcel thereof, as is aforesaid, have made any demise, lease or grant to any person or persons, for term of life or lives, of any manors, meases, lands, tenements, parsonages appropriate, tithes, pensions, portions, or other hereditaments aforesaid, which person or persons, or any of them, at the time of the said demise, lease or grant, had and held the same for term of life or lives, or for term of years then not expired; that then the said person or persons, to whom any such lease or grant hath been so made, shall have and hold the same for term of their life or lives, so that the old rent be thereupon reserved; this act or any other thing therein contained to the contrary thereof notwithstanding.

All copies for life granted according to the custom shall be good.

XI. Provided also, and be it enacted by the authority aforesaid, That all and singular leases and grants, made by copy to any person or persons, of any of the said messuages, lands, tenements, parsonages appropriate, tithes, pensions, portions, or other hereditaments aforesaid, for term of life or lives, which by the custom of the country hath been used to be demised, letten or granted by copy of court-roll, shall be good and effectual in the law, so that the old rent be reserved by and upon every such lease and leases; this act or any thing therein contained to the contrary in any wise notwithstanding.

Leases allowed in the court of augmentations.
Dyer 80.

XII. Provided alway, and be it further enacted by the authority aforesaid, That all leases heretofore made of any of the premises by authority of our sovereign lord the King's court of augmentations of the revenues of his crown, (2) and all such leases, feoffments and wood-sales, made by the said governors and governesses, or any of them, under their covent seals, or under the covent or common seal of any of them, within one year next before the dissolution, suppression, renouncing, relinquishing, forfeiting, giving up or coming to the King's highness, of the said monasteries, abbathies, priories, nunneries, colleges, hospitals, houses of friars, or other religious or eccle-

siastical

ecclesiastical houses or places, (3) which said leases, grants, feoffments and wood-sales have been examined, enrolled, decreed or affirmed in our said sovereign lord the King's court of augmentations, and the decree of the same put in writing, sealed with the seal of the said court of augmentations, shall be good and effectual according to the same decree; any clause or act heretofore in this present act to the contrary notwithstanding.

XIII. Provided alway, and be it also further enacted by the authority aforesaid, That if any person or persons have justly and truly, without fraud or covin, paid or given any sum or sums of money to any of the said late governors and governesses, for the bargain and sale of any woods, being or growing in or upon any manors, lands, tenements or hereditaments, which appertained or belonged to the said late monasteries, abbaties, priories, nunneries, colleges, hospitals, houses of friars, or other religious or ecclesiastical places, or unto any of them, which bargain and sale by authority of this act is made void and of none effect, and by mean thereof the King's highness may have and take the commodity and profit of such woods so bargained and sold; that then the chancellor and other officers of our said sovereign lord the King's court of augmentations, or three of them, whereof the chancellor for the time being shall be one, of our said sovereign lord the King's treasure remaining in the treasury of the same court, shall satisfy and recompense every such person or persons such sum of money, or other recompence, as the same chancellor and officers, or three of them, whereof the said chancellor shall be one, shall think meet and convenient. (2) And if any other person or persons shall happen to take profit and commodity, by reason of avoiding of such wood-sales by authority of this act, that then every person and persons, which may or shall take such profit, shall be ordered for satisfaction to be made to the parties that shall happen to be grieved by this act, by the said chancellor and other officers of the same court.

How they shall be relieved who have truly paid money for wood to any ecclesiastical governor.

XIV. Provided also, and be it further enacted by the authority aforesaid, That all and every person and persons, their heirs and assigns, which sithen the said fourth day of *February*, by licence, pardon, confirmation, release, assent or consent of our said sovereign lord the King, under his great seal heretofore given, had or made, or hereafter to be had or made, have obtained or purchased by indenture, fine, feoffment, recovery or otherwise, of the said late abbots, priors, abbesses, prioresses, or other governors or governesses of any such monasteries, abbaties, priories, nunneries, colleges, hospitals, houses of friars, or other religious and ecclesiastical houses or places, any monasteries, priories, colleges, hospitals, manors, lands, tenements, meadows, pastures, woods, churches, chapels, parsonages, tithes, pensions, portions or other hereditaments, shall have and enjoy the same, according to such writings and assurances, as been thereof before the first day of this present parliament or hereafter shall be had or made:

Assurance to others by the King's licence of any abbey lands.

XV. Saving

A saving of
the right of
others accrued
unto them be-
fore the said
purchase.
32 Co. 45.

XV. Saving to all and every person and persons, and bodies politick, their heirs and successors, and to the heirs and successors of every of them (other than the said late abbots, abbesses, priors, prioresses, and other governors and governesses, and their successors, and the successors of every of them, and such as pretend to be founders, patrons or donors of the said monasteries, abbathies, priories, nunneries, colleges, hospitals and other religious or ecclesiastical houses or places, or of any of them, or of any manors, messuages, lands, tenements or other hereditaments late belonging to the same, or to any of them, and their heirs and successors, and the heirs and successors of every such founder, patron or donor, (2) all such right, title, interest, possession, rents, annuities, commodities, offices, fees, liveries and livings, portions, pensions, corodies, synods, proxies and other profits, which they or any of them have, ought or might have had, in or to any of the said monasteries, abbathies, priories, colleges, hospitals, manors, lands, tenements, rents, services, reversions, tithes, pensions, portions or other hereditaments, at any time before any such purchase, indentures, fines, feoffments, recoveries, or other lawful mean between any such parties had or made, as is above said; this act or any thing therein contained to the contrary notwithstanding.

XVI. *And where our said sovereign lord, sith the fourth day of February the said twenty-seventh year of the reign of our said sovereign lord, hath obtained and purchased, as well by exchanges, as by gifts, bargains, fines, feoffments, recoveries, deeds enrolled, and otherwise, of divers and sundry persons, many and divers honours, castles, manors, lands, tenements, meadows, pastures, woods, rents, reversions, services and other hereditaments, and hath not only paid divers and sundry great sums of money for the same, but also hath given and granted for the same, unto divers and sundry persons, divers and sundry manors, lands, tenements and hereditaments, and other recompences, in and for full satisfaction of all such honours, castles, manors, lands, tenements, rents, reversions, services and other his hereditaments, by his Highness obtained or had, as is above said: (2) be it therefore enacted by the authority aforesaid, That our said sovereign lord the King, his heirs and successors, shall have, hold, possess and enjoy all such honours, castles, manors, lands, tenements and other hereditaments, as his Highness sith the said fourth day of February the twenty-seventh year above said, hath obtained and had by way of exchange, bargain, purchase, or other whatsoever mean or means, according to the true meaning and intent of his Highness bargain, exchange or purchase; misrecital, misnaming or nonrecital, or not naming of the said honours, castles, manors, lands, tenements and other hereditaments, comprized or mentioned in the bargains or writings made between the King's highness and any other party or parties, or of the towns or counties where the said honours, castles, manors, lands, tenements and hereditaments lie and been, or any other matter or cause whatsoever it be, in any wise notwithstanding.*

A confirma-
tion of the
King's pur-
chases made
sithence
4 Febr. Ann.
27 H. 8.

XVII. Saving to all and every person or persons and to their heirs, bodies politick and corporate and to their successors, and to every of them, (other than such person and persons, and their heirs, and their wives, and the wives of every of them, bodies politick and corporate, and their successors, and every of them, of whom the King's highness hath obtained by exchange, gift, bargain, fine, feoffment, recovery, deed enrolled or otherwise, any such honours, castles, manors, lands, tenements and other hereditaments, as is aforesaid) (2) all such right, title, use, interest, possession, rents, charges, annuities, commodities, fees and other profits (rents services and rents seck only except) which they or any of them have, might or ought to have had, in or to the premises so obtained and had, or in or to any parcel, thereof, if this act had never been had nor made; this present act or any thing therein contained to the contrary notwithstanding.

A saving of the right of all others, but of the sellers, their heirs and wives.

An exception of rents service rents seck.

XVIII. And where it hath pleased the King's highness of his most abundant grace and goodness, as well upon divers and sundry considerations his Majesty specially moving, as also otherwise, to have bargained, sold, changed, or given and granted by his Grace's several letters patents, indentures or other writings, as well under his Highness great seal, as under the seal of his Highness duchy of Lancaster, and the seal of the office of the augmentations of his crown, unto divers and sundry of his loving and obedient subjects, divers and sundry honours, castles, manors, monasteries, abbathies, priories, lands, tenements, rents, reversions, services, parsonages appropriate, advowsons, liberties, tithes, oblations, portions, pensions, franchises, privileges, liberties, and other hereditaments, commodities and profits, in fee-simple, fee-tail, for term of life, or for term of years; (2) for avoiding of which said letters patents, and of the contents of the same, divers, sundry and many ambiguities, doubts and questions might hereafter arise, be moved and stirred, or well for misrecital or non-recital, as for divers other matters, things or causes to be alledged, objected or invented against the said letters patents, as also for lack of finding of offices or inquisitions, whereby the title of his Highness therein ought to have been found, before the making of the same letters patents, or for misrecital or non-recital, of leases, as well of record as not of record, or for lack of the certainty of the values, or by reason of misnaming of the honours, castles, manors, monasteries, abbathies, priories, lands, tenements, and other hereditaments comprised and mentioned within the same letters patents, or of the towns and counties where the same honours, castles, manors, monasteries, abbathies, priories, lands, tenements, rents, and other hereditaments lie and been, as for divers and sundry other suggestions and surmises, which hereafter might happen to be moved, surmised and procured against the same letters patents, albeit the words in effect contained in the said letters patents be according to the true intent and meaning of his most royal Majesty.

XIX. Be it therefore enacted by the authority of this present parliament, That as well all and every the said letters patents, indentures and other writings, and every of them, under the seal or seals aforesaid, or of any of them, made or granted by the King's highness sithen the said fourth day of February the said twenty-seventh year of his most noble reign, as all and singular

2 Roll. 277.
The King's patents sufficient notwithstanding Misrecital, not finding of of-

fices, &c.

34 & 35 H. 8.

c. 21.

Hob. 222, 227.

other his Grace's letters patents, indentures or other writings to be had, made or granted to any person or persons within three years next after the making of this present act, of any honours, castles, manors, monasteries, abbathies, priories, nunneries, colleges, hospitals, houses of friars, or of other religious or ecclesiastical houses or places, sites, circuits, precincts, lands, tenements, parsonages, tithes, pensions, portions, advowsons, nominations, and all other hereditaments and possessions, of what kind, nature or quality soever they be, or by whatsoever name or names they or any of them be named, known or reputed, shall stand and be good, effectual and available in the law of this realm, to all respects, purposes, constructions and intents, against his Majesty, his heirs and successors, without any other licence, dispensation or tolerance of the King's highness, his heirs and successors, or of any other person or persons whatsoever they be, for any thing or things contained, or hereafter to be contained, in any such letters patents, indentures or other writings; any cause, consideration, or thing material to the contrary in any wise notwithstanding:

A saving of the right of others in the lands assured by the King.

XX. Saving to all and singular persons, bodies politick and corporate, their heirs and successors, and the heirs and successors of every of them (other than his Highness, his heirs and successors, and the said governors and governesses, and their successors, donors, founders and patrons aforementioned, and their heirs and successors, and all other persons claiming in their rights or to their use, or in the right, or to the use of any of them) all such right, title, claim, interest, possession, reversion, remainder, offices, annuities, rent charges and commons, which they or any of them have, ought or might to have had, in or to any of the said honours, castles, manors, monasteries, abbathies, priories, lands, tenements, and other hereditaments, in the said letters patents made, or hereafter to be made, comprized at any time before the making of the said or such letters patents; this act or any thing therein contained to the contrary notwithstanding.

Hetley 145.
Lath 39.
Bridgm. 32.
2 Roll. 142,
252.

XXI. And where divers and sundry abbots, priors, abbesses, prioresses, and other ecclesiastical governors and governesses of the said late monasteries, abbathies, priories, nunneries, colleges, hospitals, houses of friars, and other religious and ecclesiastical houses and places, have had, possessed and enjoyed divers and sundry parsonages appropriated, tithes, pensions and portions, and also were acquitted and discharged of and for the payment or payments of tithes, to be paid out or for their said monasteries, abbathies, priories, nunneries, colleges, hospitals, houses of friars, and other religious and ecclesiastical houses and places, manors, messuages, lands, tenements and hereditaments: (2) be it therefore enacted by the authority abovesaid, That as well the King our sovereign lord, his heirs and successors, as all and every such person and persons, their heirs and assigns, which have, or hereafter shall have, any monasteries, abbathies, priories, nunneries, colleges, hospitals, houses of friars, or other ecclesiastical houses or places, sites, circuits, precincts of the same, or of any of them, or any manors, messuages, parsonages appropriate, tithes, pensions, portions or other hereditaments, what-

Such abbey-lands as before the dissolution of them were discharged of tithes, shall so continue.

Cro. El. 206.
Cro. Jac. 607.
Cro. Car. 265,
422.
Moor. 219. pl.

soever

soever they be, which belonged or appertained, or which now belong or appertain unto the said monasteries, abbathies, priories, nunneries, colleges, hospitals, houses of friars, or other religious and ecclesiastical houses or places, or unto any of them, shall have, hold, retain, keep and enjoy, as well the said parsonages appropriate, tithes, pensions, and portions of the said monasteries, abbathies, priories, nunneries, colleges, hospitals, houses of friars, and other religious and ecclesiastical houses and places, sites, circuits, precincts, manors, meases, lands, tenements and other hereditaments, whatsoever they be, and every of them, according to their estates and titles, discharged and acquitted of payment of tithes, (3) as freely, and in as large and ample manner, as the said late abbots, priors, abbesses, prioresses, and other ecclesiastical governors and governesses, or any of them had, held, occupied, possessed, used, retained or enjoyed the same, or any parcel thereof, at the days of their dissolution, suppression, renouncing, relinquishing, forfeiting, giving up, or coming to the King's highness, of such monasteries, abbathies, priories, nunneries, colleges, hospitals, houses of friars, or other religious ecclesiastical houses or places, or at the day of the dissolution, suppression, renouncing, relinquishing, giving up, or coming to the King's highness of any of them; this act or any thing therein contained to the contrary notwithstanding.

XXII. Saving to the King's highness, his heirs and successors, all and all manner of rents, services, and other duties, whatsoever they be, as if this act had never been had nor made.

XXIII. And be it further enacted by authority of this present parliament, That such of the said late monasteries, abbathies, priories, nunneries, colleges, hospitals, houses of friars, and other religious and ecclesiastical houses and places, and all churches and chapels to them, or any of them belonging, which before the dissolution, suppression, renouncing, relinquishing, forfeiting giving up, or coming unto the King's highness, were exempted from the visitation or visitations, and all jurisdiction of the ordinary or ordinaries, within whose diocese they were situate or set, shall from henceforth be within the jurisdiction and visitation of the ordinary or ordinaries within whose diocese they or any of them be situate and set, or within the jurisdiction and visitation of such person or persons, as by the King's highness shall be limited or appointed; this act, or any other exemption, liberty or jurisdiction to the contrary notwithstanding.

XXIV. And where before this time it hath pleased the King's Majesty, at the contemplation and humble petition of the right noble Thomas duke of Norfolk, to give his royal assent of licence by his Grace's word, without any manner of letters patents, or other writing, to purchase and receive to him and to his heirs for ever, of William Flatbury, late abbot of the monastery of Sipton in the county of Suffolk, and convent of the same late monastery now being dissolved, all the same monastery, together with all and singular manors, lordships, lands, tenements, woods, waters, commons, courts, leets, advowsons, patronages, parsonages, vicarages, chantries, free chapels, tithes, portions of tithes, pensions, annuities, rents, suits, services, reversions,

Dyer 277. pl. 60. 349. pl. 16.
2 Co. 46.
11 Co. 8. 16.
Co. pl. f. 451,
454.
Watson's compl. Incumb. cap. 48.

All rents, services, &c. reserved to the King.
Monasteries, &c. exempt from visitation and jurisdiction of the ordinary.

Duke of Norfolk.
Sipton abbey.

Lord Cobham.
Cobham chan-
try.

remainders, and all other things which were the hereditaments or the possessions of the said late monastery, wheresoever they lay or were within the realm of England. (2) And in likewise our said sovereign lord gave like licence by his Grace's word, unto the right honourable George lord Cobham, to purchase and receive to him and to his heirs for ever, of the late master and brethren of the college or chantry of Cobham in the county of Kent, now being utterly dissolved, the fee of the same college or chantry, and all and singular their hereditaments and possessions, as well temporal as ecclesiastical, wheresoever they lay or were within the realm of England :

XXV. Be it therefore enacted by the authority of this present parliament, That the act above written or any thing therein contained, shall not be in any wise prejudicial or hurtful to the said duke and lord Cobham, or to either of them, or to the heirs or assigns of either of them, but that the same duke and lord Cobham and either of them sundrily, and the heirs and assigns of either of them, shall and may have, hold, receive and enjoy the premisses by them sundrily purchased or received, according to the purports and effects of such evidences, writings and conveyances, as they or any of them sundrily have caused to be devised and made to them or to their uses for the same :

Saving of
other mens
rights in the
monastery of
Sipton, and
Cobham
Chantry.

XXVI. Saving alway, and reserving to all and singular persons and bodies politick, and to their heirs and successors (other than the said late abbot and convent and their successors, and the said late master and brethren and their successors, and to the founders of the same monastery, or of the said college or chantry and the heirs of either them, and all donors, granters or augmenters of them or of either of them, and the heirs and assigns of either of them) (2) all such rights, titles, possessions, rents, services, fees, offices, annuities, corrodiess, liveries, leases, and all other such their interestes, profits and commodities, as they or any of them had, should or ought to have, of, to, or in any of the premisses sundrily purchased or received by the said duke or lord Cobham, if this present act had never been had or made ; any thing in the same act to the contrary being in any wise notwithstanding.

CAP. XIV.

An act for abolishing of diversity of opinions in certain articles concerning christian religion.

WHERE the King's most excellent majesty is by God's law supreme head immediately under him of this noble church and congregation of England, intending the conservation of the same church and congregation in a true, sincere and uniform doctrine of Christ's religion, calling also to his blessed and most gracious remembrance, as well the great and quiet assurance, prosperous increase, and other innumerable commodities, which have ever ensued, come and followed of concord, agreement and unity in opinions, as also the manifold perils, dangers and inconveniencies, which have heretofore, in many places and regions, grown, sprung and arisen of the diversities of minds and opinions, especially of matters of christian religion, and therefore desiring that such an unity might and should be charitably established in all

all things touching and concerning the same, as the same so being established might chiefly be to the honour of Almighty God, the very author and fountain of all true unity and sincere concord, and consequently redound to the common wealth of this his Highness's most noble realm, and of all his loving subjects, and other residents and inhabitants of or in the same; both therefore caused and commanded this his most high court of parliament, for sundry and many urgent causes and considerations, to be at this time summoned; and also a synod and convocation of all the archbishops, bishops and other learned men of the clergy of this his realm, to be in like manner assembled.

And forasmuch as in the said parliament, synod and convocation, there were certain articles, matters, and questions proponed and set forth touching christian religion, that is to say:

First, Whether in the most blessed sacrament of the altar remaineth, after the consecration, the substance of bread and wine or no.

Secondly, Whether it be necessary by God's law, that all men should be communicate with both kinds, or no.

Thirdly, Whether priests, that is to say, men dedicate to God by priesthood, may by the law of God marry after, or no.

Fourthly, Whether vow of chastity or widowhood, made to God advisedly by man or woman, be by the law of God to be observed, or no,

Fifthly, Whether private masses stand with the law of God, and be to be used and continued in the church and congregation of England, as things whereby good christian people may and do receive both godly consolation and wholesome benefits, or no.

Sixthly, Whether auricular confession is necessary to be retained, continued, used and frequented in the church, or no.

The King's most royal majesty, most prudently pondering and considering, that by occasion of variable and sundry opinions and judgments of the said articles, great discord and variance both arisen, as well amongst the clergy of this his realm, as amongst a great number of vulgar people, his loving subjects of the same; and being in a full hope and trust, that a full and perfect resolution of the said articles should make a perfect concord and unity generally amongst all his loving and obedient subjects; of his most excellent goodness not only commanded, that the said articles should deliberately and advisedly, by his said archbishops, bishops and other learned men of his clergy, be debated, argued and reasoned, and their opinions therein to be understood, declared and known, but also most graciously vouchsafed, in his own princely person, to descend and come into his said high court of parliament and counsel, and there, like a prince of most high prudence, and no less learning, opened and declared many things of high learning and great knowledge, touching the said articles, matters, and questions, for an unity to be had in the same; whereupon, after a great and long, deliberate and advised disputation and consultation, had and made concerning the said articles, as well by the consent of the King's highness,

as by the assent of the lords spiritual, and temporal, and other learned men of his clergy in their convocations, and by the consent of the commons, in this present parliament assembled, it was and is finally resolved, accorded and agreed in manner and form following, that is to say,

First, That in the most blessed sacrament of the altar, by the strength and efficacy of Christ's mighty word (it being spoken by the priest) is present really, under the form of bread and wine, the natural body and blood of our Saviour Jesus Christ, conceived of the Virgin Mary; and that after the consecration there remaineth no substance of bread or wine, nor any other substance: but the substance of Christ, God and man.

Secondly, That communion in both kinds is not necessary *ad salutem*, by the law of God, to all persons; and that it is to be believed, and not doubted of, but that in the flesh, under the form of bread, is the very blood; and with the blood, under the form of wine, is the very flesh; as well apart, as though they were both together.

Thirdly, That priests after the order of priesthood received, as afore, may not marry by the law of God.

Fourthly, That vows of chastity or widowhood, by man or woman made to God advisedly, ought to be observed by the law of God; and that it exempteth them from other liberties of christian people, which without that they might enjoy.

Fifthly, That it is meet and necessary, that private masses be continued and admitted in this the King's *English* church and congregation, as whereby good christian people, ordering themselves accordingly, do receive both godly and goodly consolations and benefits; and it is agreeable also to God's law.

Sixthly, That auricular confession is expedient and necessary to be retained and continued, used and frequented in the church of God.

For the which most godly study, pain, and travel of his Majesty, and determination and resolution of the premisses, his most humble and obedient subjects, the lords spiritual and temporal, and the commons, in this present parliament assembled, not only render and give unto his Highness their most high and hearty thanks, and think themselves most bound to pray for the long continuance of his Grace's most royal estate, but also being desirous that his most godly enterprise may be well accomplished, and brought to a full end and perfection, and so established, that the same might be to the honour of God, and after to the common quiet, unity and concord to be had in the whole body of this realm for ever, most humbly beseechen his royal Majesty, that the resolution and determination above written of the said articles may be established, and perpetually perfected by authority of this present parliament, &c.

* 1 If any person by word, writing, printing, cyphering, or any other-

otherwise, do preach, teach, dispute, or hold opinion that in the blessed sacrament of the altar, under form of bread and wine (after the consecration thereof) there is not present really the natural body and blood of our Saviour Jesus Christ conceived of the Virgin *Mary*. Or that after the said consecration, there remaineth any substance of bread or wine, or any other substance, but the substance of Christ, God and man: Or that in the flesh under form of bread, is not the very blood of Christ: Or that with the blood under the form of wine, is not the very flesh of Christ, as well apart, as though they were both together: Or affirm the said sacrament to be of other substance than is aforesaid: Or deprave the said blessed sacrament: then he shall be adjudged an heretick, and suffer death by burning, and shall forfeit to the King all his lands, tenements, hereditaments, goods and chattels; as in case of high treason.

2 And if any person preach in any sermon, or collation openly made, or teach in any common school or congregation, or obstinately affirm or defend, that the communion of the blessed sacrament in both kinds is necessary for the health of man's soul, or ought or should be ministered in both kinds: Or that it is necessary to be received by any person (other than by priests) being at mass, and consecrating the same.

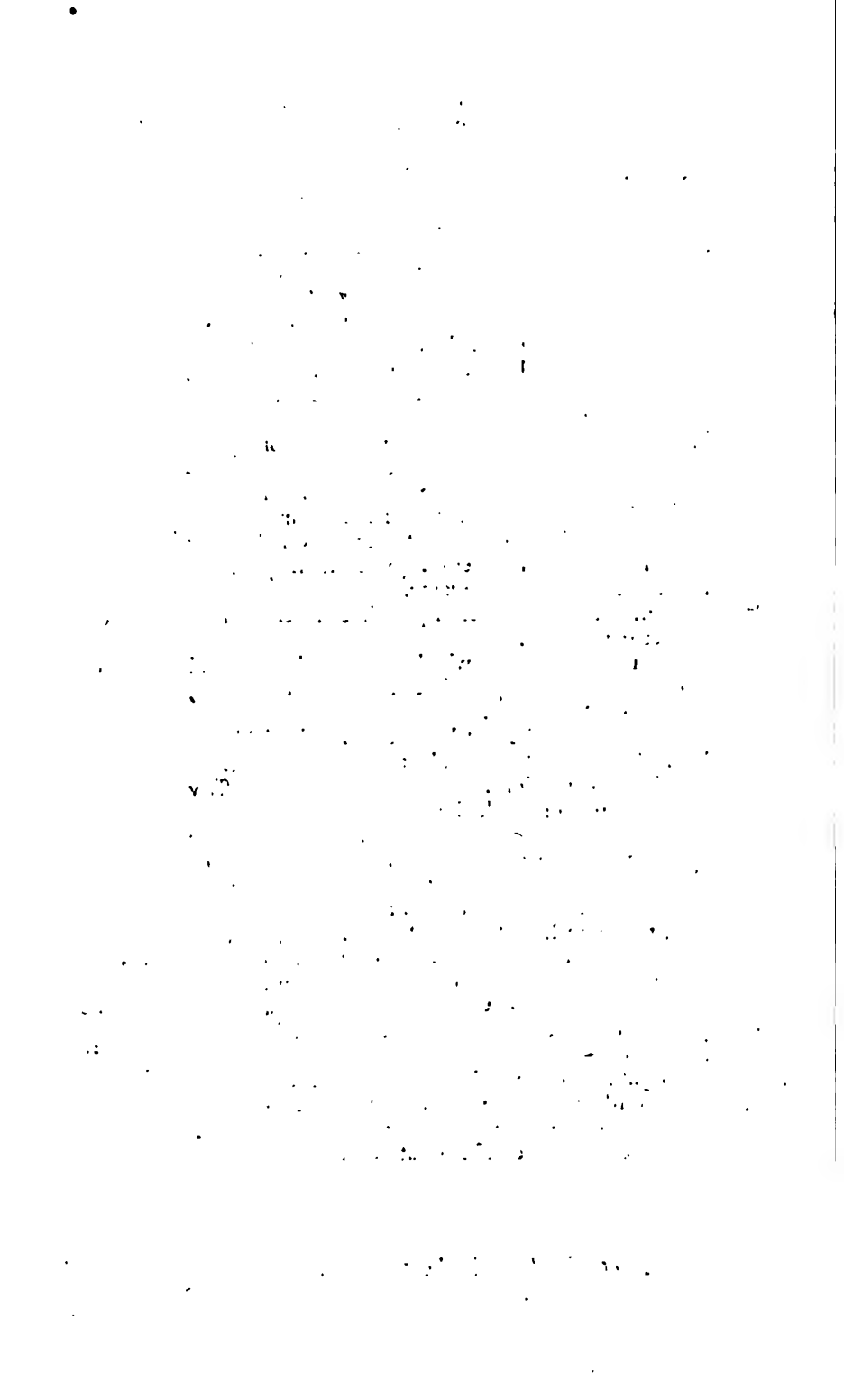
3 Or that any man after the order of priesthood received, may marry or contract matrimony.

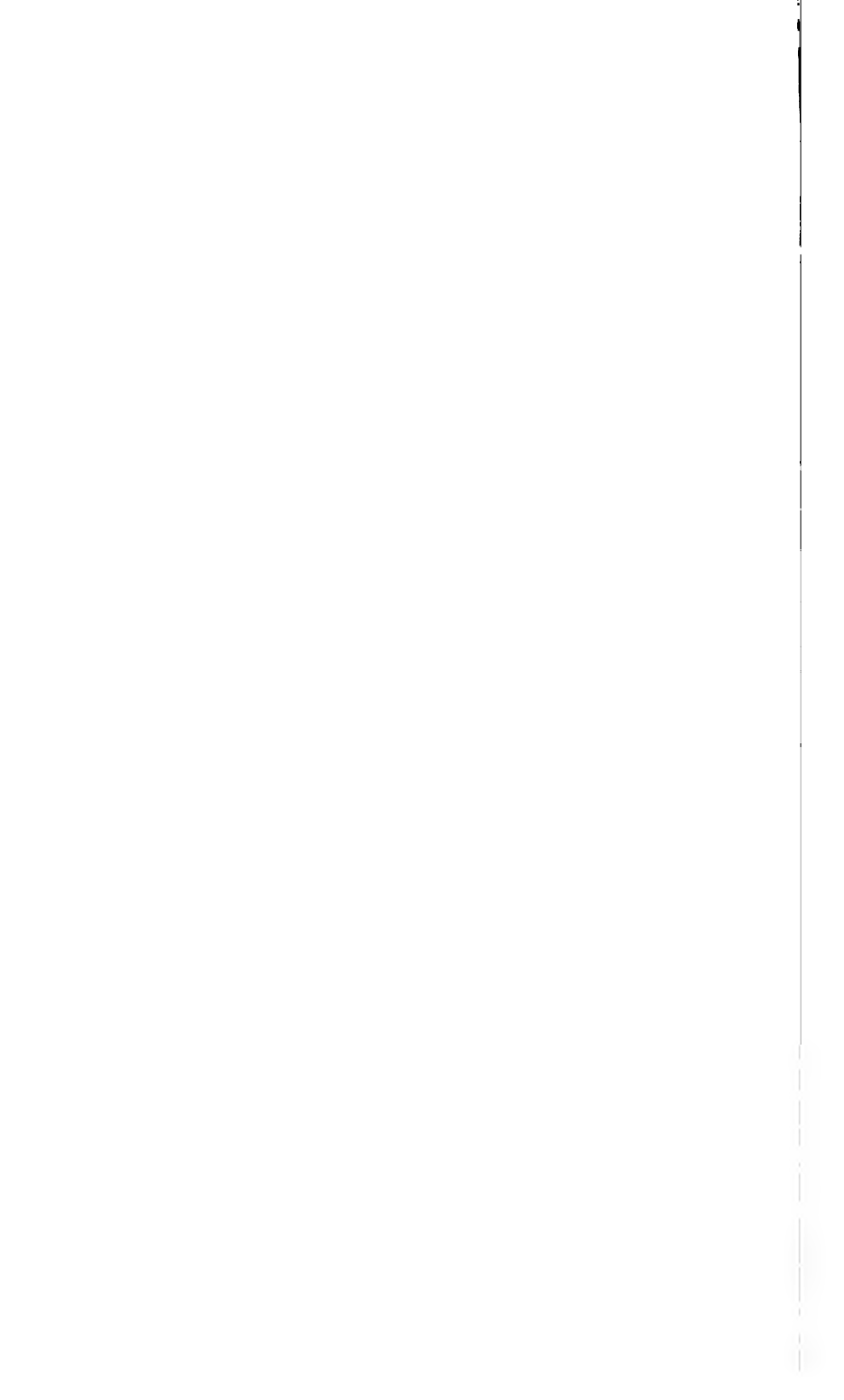
4 Or that any man or woman which advisedly hath vowed or professed, or should vow or profess chastity or widowhood, may marry, or contract marriage.

5. Or that private masses be not lawful, or not laudable, or should not be used, or be not agreeable to the laws of God.

6 Or that auricular confession is not expedient, and necessary to be used in the church of God, he shall be adjudged, suffer death, and forfeit lands and goods, as a felon. If any priest or other man or woman, which advisedly hath vowed chastity, or widowhood, do actually marry or contract matrimony with another: Or any man which is or hath been a priest, do carnally use any woman, to whom he is, or hath been married, or with whom he hath contracted matrimony, or openly be conversant or familiar with any such woman; both the man and the woman shall be adjudged felons. Commissions shall be awarded to the bishop of the diocese, his chancellor, commissary, and others, to enquire of the heresies, felonies, and offences aforesaid. And also justices of peace in their sessions, and every steward, understeward, and deputy of stewards in their leet, or lawday, by the oaths of twelve men have authority to enquire of all the heresies, felonies, and offences aforesaid.

32 H. 8. c. 10.
35 H. 8. c. 5.
Repealed 1 Ed.
6. c. 12.
1 Eliz. c. 1.
c. 18.





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